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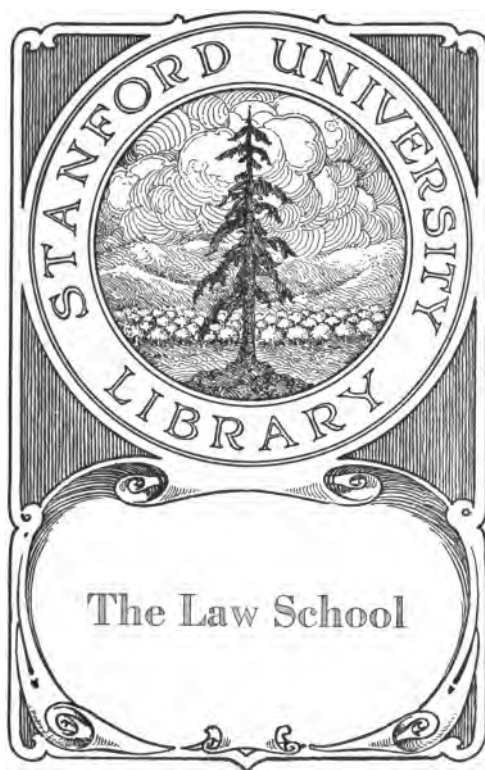
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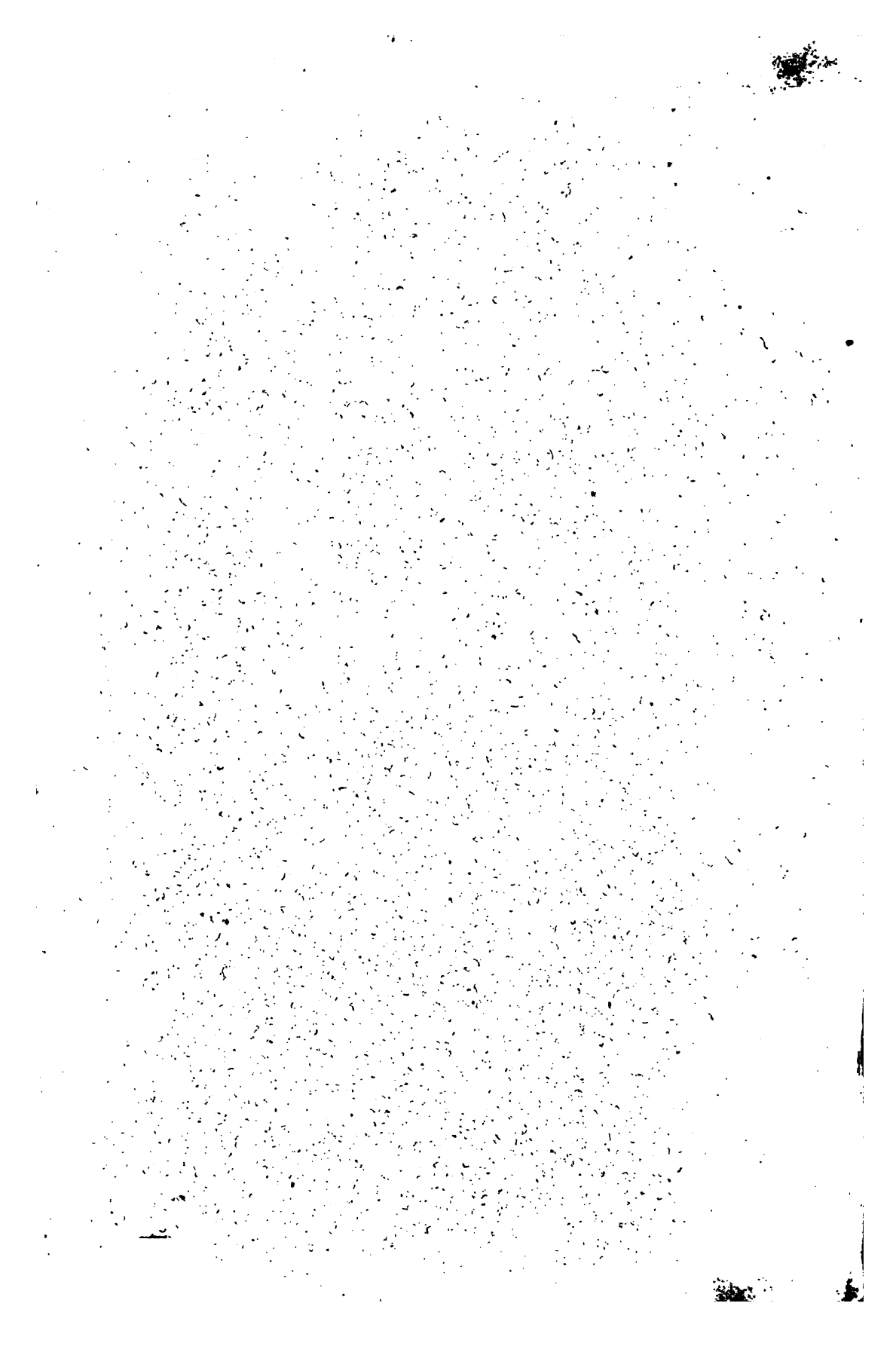
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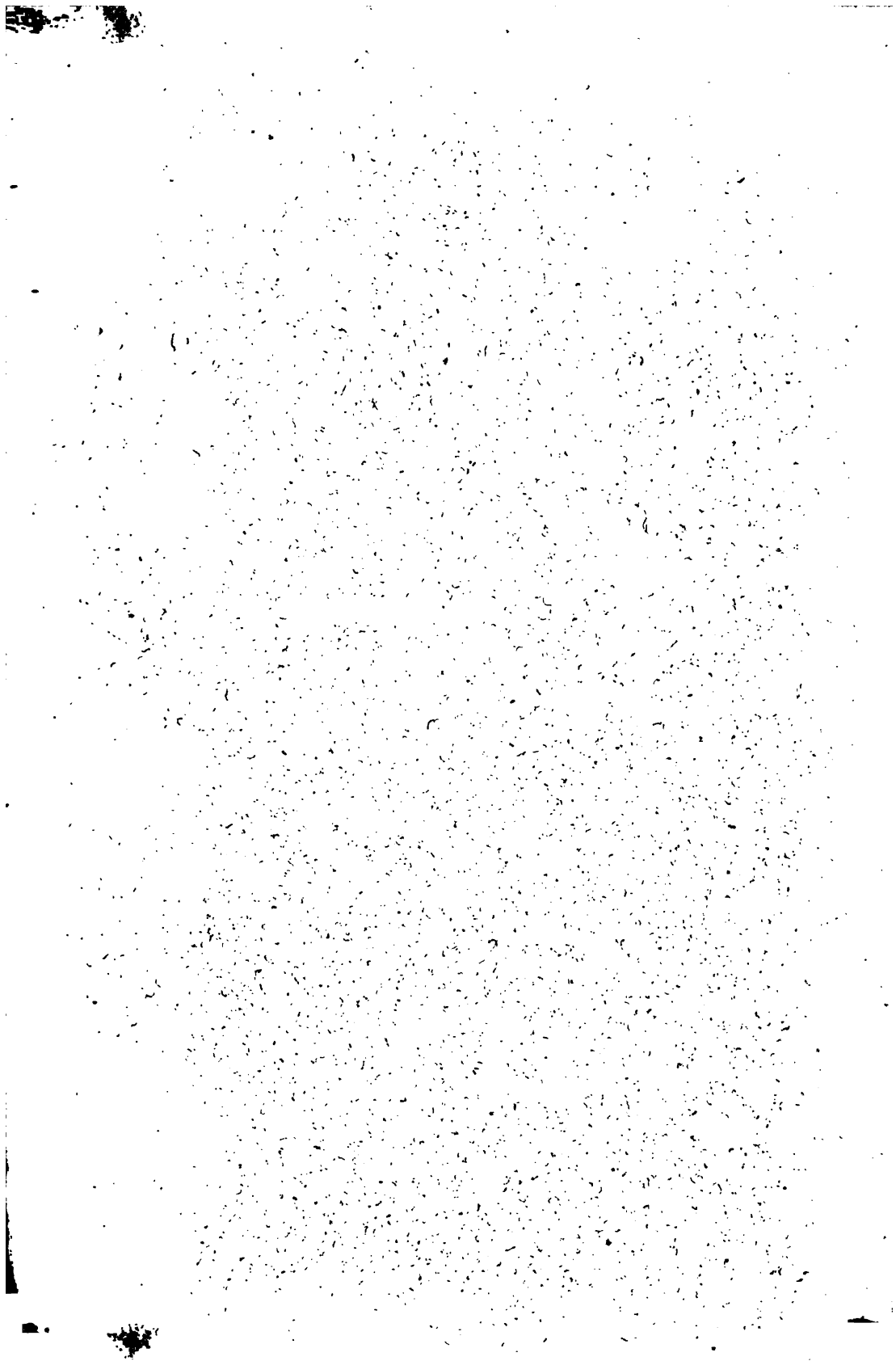
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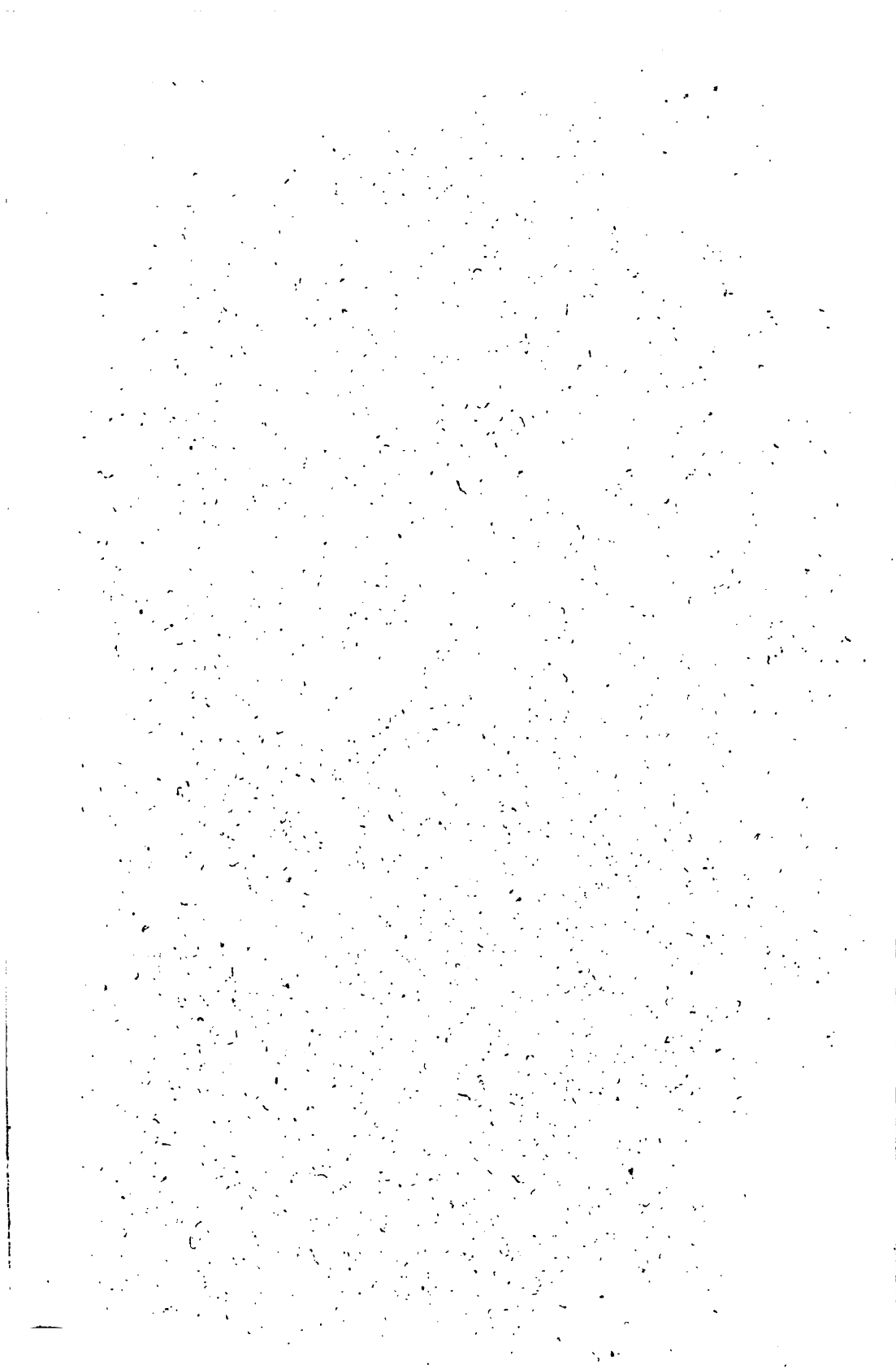


Remembrance of the Lord









# ACTS

OF THE

## GENERAL ASSEMBLY

OF THE  
COMMONWEALTH OF KENTUCKY

# COMMONWEALTH OF KENTUCKY,

PASSED

AT THE CALLED SESSION WHICH WAS BEGUN AND HELD IN THE  
CITY OF FRANKFORT, ON THURSDAY, THE 17TH DAY  
OF JANUARY, 1861, AND ENDED ON FRIDAY,  
THE FIFTH DAY OF APRIL, 1861.

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# PUBLIC ACTS

OF

## THE STATE OF KENTUCKY,

PASSED AT THE CALLED SESSION, WHICH WAS BEGUN AND  
HELD IN THE CITY OF FRANKFORT, ON THURSDAY,  
THE 17<sup>TH</sup> DAY OF JANUARY, 1861.

BERIAH MAGOFFIN, *Governor.*

THOS. P. PORTER, *Speaker of the Senate.*

DAVID MERIWETHER, *Speaker of the House of Reps.*

THOS. B. MONROE, JR., *Secretary of State.*

### CHAPTER 1.

AN ACT to amend an act, entitled "An act concerning free negroes, mulattoes, and emancipation."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That an act concerning free negroes, mulattoes, and emancipation; approved March 3d, 1860, is so amended as to permit owners of steamboats to employ free negroes living out of this State. The said negroes shall not be subject to the penalties of said act unless they leave said boat for the Kentucky shore. The written permission of the captain or clerk will authorize the steward to leave said boat for the Kentucky shore to obtain provisions and stores for said boat.

1861.

1 Acts 1830-60,  
p. 198.

Owners of  
steamboats may  
employ free ne-  
groes living out  
of this State.

Steward only  
with written  
permit of the  
captain or clerk  
to leave boat  
for Ky. shore to  
obtain provis-  
ions and stores.

Approved January 23, 1861.

1861.

## CHAPTER 4.

AN ACT to regulate the terms of the circuit court in the county of Webster.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That the next term of the Webster circuit court shall commence on the 2d Monday in September next, and continue twelve juridical days, if the business of the court shall require it, and all recognizances and process in said court shall stand and be made returnable for that term; and thereafter the regular terms of the Webster circuit court shall commence on the 2d Mondays in March and September, and continue each twelve juridical days, if the business of the court shall require it.

Approved January 25, 1861.

## CHAPTER 5.

AN ACT for the benefit of Fleming county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

County court  
authorized to  
sell one poor-  
house farm and  
purchase an-  
other.

§ 1. That the county court of Fleming county (a majority of all of said court concurring) be, and it is hereby, authorized to sell the poor-house farm of said county, and by a commissioner to convey the same to the purchaser; and said court is further authorized to purchase a poor-house farm containing such quantity and number of acres as said court may deem advisable.

§ 2. This act to take effect from and after its passage.

Approved January 25, 1861.

## CHAPTER 7.

AN ACT establishing a circuit court in Wolfe county, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Time of holdi'g  
circuit court for  
Wolfe county.

§ 1. That there is hereby established, in the county of Wolfe, a circuit court, to commence the Monday succeeding the close of the Magoffin circuit court, and to continue six juridical days, if the business of the court requires it.

Proceedings of  
special term le-  
galized.

§ 2. That the proceedings of the chancery and criminal term held in January, 1861, by order of the circuit judge of said court, be, and the same are, legalized, and the records and proceedings in said court shall be entitled to full faith and credit as the records of said court.

Approved January 26, 1861.

CHAPTER 12.

1861.

AN ACT regulating the times of holding the Whitley quarterly courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the quarterly courts for Whitley county be held on the first Mondays in the months of January, July, and October, and that the April term commence on the 4th Monday of said month in each year, and that each term shall continue so long as the business may require.

§ 2. This act shall take effect from its passage.

Approved January 29, 1861.

CHAPTER 23.

AN ACT regulating the jurisdiction of the special chancery courts in Washington and Marion counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the special chancery courts held for the counties of Washington and Marion shall have no action of exclusive common law jurisdiction that may be commenced or prosecuted in said court; and if any such action or proceeding be instituted or prosecuted in said chancery court, the court shall, at the cost of the plaintiffs in such action or proceedings, order the same to be transferred to the docket of the next common law term of circuit court of the county in which said suit or proceeding is pending, brought, or prosecuted.

Special chan'y  
cts. of Wash-  
ington and Ma-  
rion not to ex-  
ercise jurisdic-  
tion over com-  
mon law cases.

§ 2. That this act take effect from its passage.

Approved February 4, 1861.

CHAPTER 29.

AN ACT to change the time of holding the Livingston quarterly court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the time for holding the Livingston quarterly courts shall hereafter be on the 3d Mondays in January, April, July, and October.

§ 2. This act to take effect from and after the tenth day of March next.

Approved February 5, 1861.

## LAWS OF KENTUCKY.

1861.

## CHAPTER 31.

AN ACT supplemental to an act to amend an act concerning free negroes, mulattoes, and emancipation, passed January 23d, 1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That said act shall take effect from and after its passage.

\* Approved February 5, 1861.

## CHAPTER 38.

AN ACT regulating the election of State officers in the county of Webster.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the voters of the county of Webster shall, in all general elections, vote at the several precincts as now established, in the following manner: At all elections for Governor, and all State officers, the polls shall be compared and certified according to law; and in voting for Senators and county Representatives the vote shall be taken and the polls compared as follows: In the first district, at Petersburg, the vote shall be cast with the county of Henderson, and the polls shall be compared at Henderson, at the time prescribed by law; the Slaughtersville and Vanderburg precincts the vote shall be cast with the county of Hopkins, and the vote compared at Madisonville, according to law; at Claysville the vote shall be cast with the county of Union; and at the elections held in said county at the precincts of Providence and Dixon, the clerks of said election shall keep two poll-books, and all voters that live where it was formerly the county of Hopkins their votes shall be recorded in one of said books, which shall be counted with the vote of the county of Hopkins; and the votes of those persons that formerly belonged to the county of Union shall be recorded in the other book, and the same shall be counted as part of the vote of Union; and the judges of the election shall transmit the vote thus cast to the county seats of Hopkins and Union within the time prescribed by law for the comparison of the polls, by such safe hand as shall be by them selected, having first calculated and certified the same; and the persons carrying said poll-books to Madisonville and Morganfield shall receive the same compensation as sheriffs for like services, which shall be paid by the old counties of Hopkins, Henderson, and Union.

§ 2. This act shall be in force from its passage.

Approved February 5, 1861

Manner of voting at general election.

Manner of voting at election for Senators & Representatives

# LAWS OF KENTUCKY.

5

## CHAPTER 51.

1861.

AN ACT concerning the Jefferson circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of the law as requires the Jefferson circuit court to hold a term thereof for the trial of civil causes in January of each year be, and is, repealed; but said court shall be held for trial of criminal causes as now required by law.

[Jan. term, '61, of Jefferson cir. court, for civil business abolished.]

§ 2. That all actions, suits, motions, and proceedings of every description now pending in said court shall be in no way affected by this act, otherwise than that they shall stand continued to the next term thereof: *Provided*, That this act shall only be in force as to the January term of said court for the year 1861.

§ 3. This act to be in force from and after its passage.

Approved February 6, 1861.

## CHAPTER 60.

AN ACT to change the time of holding the Calloway and Marshall circuit courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the circuit courts in Calloway county shall hereafter commence on the 4th Mondays in June and December, and continue each twelve juridical days, if the business shall require it; and that the circuit courts in Marshall county shall commence on the 2d Mondays in June and December, and continue each twelve juridical days, if the business shall require it.

Calloway.

Marshall.

§ 2. This act to take effect from its passage.

Approved February 6, 1861.

## CHAPTER 68.

AN ACT to change the time of holding quarterly courts in Lyon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the quarterly courts in the county of Lyon shall hereafter be held on the 2d Mondays in the months of January, April, July, and October: *Provided*, That this act shall not take effect until the 1st day of May next.

§ 2. All laws inconsistent with this act are hereby repealed.

Approved February 6, 1861.

## LAWS OF KENTUCKY.

1861.

## CHAPTER 72.

AN ACT authorizing the Henderson county court to levy a tax to build a jail.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Henderson co. court to levy a tax for 5 years to build a jail, &c.

§ 1. That the county court of Henderson county, a majority of the justices concurring therein, shall have power, at any regular term of said court, to levy a tax for five successive years of any sum not exceeding five cents per annum on each hundred dollars' worth of property in said county, and that the means so raised shall be for the purpose of building a new jail in said county; and that any surplus may be appropriated by said court to any other public improvement of the county as the court may deem most necessary and proper; and said tax shall be collected and accounted for to said county court by the sheriff of said county in all respects as the county levy is now collected and accounted for.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1861.

## CHAPTER 80.

AN ACT for the benefit of the Bath county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

County court of Bath empowered to borrow money to build jail.

§ 1. That the county court of Bath county, a majority thereof, be, and are hereby, authorized to borrow from the railroad fund collected by said county the sum of five thousand dollars, for the purpose of buying suitable grounds in the town of Owingsville, and erecting thereon a jail and jailer's house.

Proceedings at Dec. term, '60, legalized.

Old jail to be sold.

§ 2. That orders made by said court at its December term, 1860, authorizing the said sum of five thousand dollars to be borrowed from the railroad fund, and appointing commissioners to purchase a suitable lot of ground in Owingsville upon which to erect a jail and jailer's house, and further providing for the building of said jail and house, the same are legalized, and said commissioners are authorized to make sale of the old jail and the lot upon which it stands, either at public or private sale, and apply the proceeds arising therefrom to the erection of said new jail and house; and said county court is authorized to convey said lot to the purchaser by a commissioner appointed by said court for the purpose aforesaid.

County court authorized to levy tax to pay the loan.

§ 3. That the county court of Bath county are hereby authorized, at a court of claims, to levy and collect of each tax-payer in said county an amount sufficient to pay and refund to said railroad fund said sum of five thousand dol-



lars; and the sheriff of Bath county shall collect the same and be responsible in every event on his bond for the collection of the county levy as he is for the collecting of said county levy, and shall pay the same to the county judge for said county.

1861.

Approved February 6, 1861.

## CHAPTER 92.

AN ACT for the benefit of Garrard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of the road in Garrard county running from Lancaster to Buford's, on Dix river, in road district No. 15, as lies between Geo. Evans' gate and Dix river, be, and the same is hereby, shut up and closed.

§ 2. This act is to take effect from its passage.

Approved February 6, 1861.

## CHAPTER 95.

AN ACT making the certificate of the Auditor of Public Accounts evidence in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the certificate of the Auditor of Public Accounts, showing when and by whom any lands in this Commonwealth have been forfeited for the non-payment of taxes, or other cause, or when redeemed, shall be competent as evidence touching either of said facts, and shall be so received by all courts in this Commonwealth. The Auditor shall have fifty cents for each certificate, to be paid by the party applying therefor.

Auditor's certificate made evidence in certain cases.

§ 2. This act shall take effect from and after its passage.

Approved February 7, 1861.

## CHAPTER 102.

AN ACT changing the time of holding the Bullitt circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the spring term of the Bullitt circuit court in the seventh judicial district shall be held on the 3d Monday in April in each year, and continue six juridical days, if the business shall so require it; and so much of an act passed January 13th, 1860, as fixes the time of holding the spring

## LAWS OF KENTUCKY.

1861. term of said court on the 1st Monday in April, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after the spring term of 1861.

Approved February 7, 1861.

### CHAPTER 104.

AN ACT conferring certain powers on the Union county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

County court  
of Union to  
have power to  
change locati'n  
of State road.

§ 1. That the county court of Union county, upon the application of Robert Clements, shall have power to change the location of the State road leading from Caseyville to Providence, if said court shall believe that said change shall not be injurious to the community, and shall redound to the convenience of private individuals, after hearing all the facts connected with this proposition: *Provided*, That no change in said road shall be made unless the applicant shall provide a new tract for said road, and pay all expenses in preparing and improving the same.

Proviso.

To appoint re-  
viewers, &c.

§ 2. That before said court shall make any change in said road they shall appoint reviewers to report to them the difference in distance between the present location of said road and the distance of the proposed change, the situation of the ground of both locations; and said court shall be governed by the laws of this Commonwealth relative to the changing of public roads in all respects.

§ 3. This act shall be in force from its passage.

Approved February 7, 1861.

### CHAPTER 117.

AN ACT to appropriate money to the Western and Eastern Lunatic Asylums.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

\$20,000 appro-  
priated to re-  
build Western  
Lunatic Asy'm

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of the board of managers of the Western Lunatic Asylum, for the sum of twenty thousand dollars, said money to be by them appropriated, 1st, in rebuilding the walls of the Lunatic Asylum, at Hopkinsville; 2d, to put the same under a metal or slate roof, and any balance thereof to preparing said institution for the reception of patients: *Provided*, Said sum of twenty thousand dollars be drawn in sums of four thousand dollars every thirty days, as the work progresses.

## LAWS OF KENTUCKY.

9

§ 2. That the Auditor shall not draw his warrants above provided for until after the 1st day of August, 1861, nor until said board of managers shall execute and file with him a bond, with good security, by him approved, payable to the Commonwealth of Kentucky, and conditioned that they will faithfully appropriate, disburse, and account for said sum of twenty thousand dollars; and for a breach of said bond, suit may be instituted in the Christian circuit court.

1861.

Warrant not to be drawn till after 1st Aug., 1861.

§ 3. That the sum of two thousand dollars be, and the same is hereby, appropriated to the Eastern Lunatic Asylum, for the construction of a kitchen outside of the main building, and for other improvements, calculated to preserve the asylum from the danger of fire: *Provided*, That this appropriation is not to be drawn until after the 1st of September, 1861.

\$2,000 appropriated to build kitchen.

Warrant not to be drawn till 1st Sept., '61.

Approved February 9, 1861.

### CHAPTER 120.

AN ACT for the benefit of the county of Fulton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the presiding judge of the county court of Fulton county be, and he is hereby, authorized to appoint a commissioner, who shall, by an order of said county court, have power to sell such portion of the real estate belonging to Fulton county known as the "jail lot," as the county court of said county may designate. Said commissioner shall collect the proceeds of said sale, and pay the same into the county treasury; he shall also have power to make a deed to the purchaser of said property.

Power given to county court to sell old jail lot.

§ 2. This act to be in force from its passage.

Approved February 9, 1861.

### CHAPTER 130.

AN ACT regulating the time of holding the circuit courts in Calloway and Marshall counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to change the time of holding the circuit courts in Calloway and Marshall counties," in the first judicial district, passed at the present session, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved February 9, 1861.

1861.

## CHAPTER 133.

AN ACT to change the time of holding the spring term of the Oldham circuit court for 1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Oldham cir. ct.  
to be held—  
spring term,  
1861—4th Mon-  
day in April.

§ 1. That the spring term for 1861 of the Oldham circuit court shall be held on the 4th Monday in April, instead of the time now fixed by law, and that all suits, prosecutions, motions, and process shall be returned to and be heard and determined at the time fixed in this act, as fully as they would have been heard and determined at the March term of said court.

§ 3. This act shall take effect from its passage.

Approved February 11, 1861.

## CHAPTER 134.

AN ACT for the appropriation of money.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following sums of money are hereby appropriated for the benefit of the persons named, to be paid out of the public treasury upon the warrant of the Auditor of Public Accounts.

§ 2. To the Speakers of the Senate and House of Representatives, eight dollars per day each during this session of the Legislature.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars per day each during the present session, and the same sum each per day for five days after the close of the session, or during the first five days of the recess, for their services in preparing the acts for publication, and arranging the papers.

§ 4. To the Assistant Clerks of the Senate and House of Representatives, eight dollars each per day during this session.

§ 5. To the Sergeants-at-Arms of the Senate and House of Representatives, six dollars per day each during this session.

§ 6. To the Doorkeepers of the Senate and House of Representatives, six dollars per day each during this session.

§ 7. To W. N. Robb, for services of each of two negro men, one dollar per day during the session; and to same, for benefit of Mrs. Twyman, two dollars.

§ 8. To M. B. Chinn, for the services of negro man, in waiting upon the Senate, one dollar per day during the

session; and to same, for the benefit of Lucy Harris, seventy-five cents.

1861.

§ 9. To A. G. Hodges & Co., for Daily Commonwealth during the session, one hundred and fifty dollars.

§ 10. To S. I. M. Major & Co., for Daily Kentucky Yeoman during the session, one hundred and fifty dollars.

§ 11. To the Ministers of the different religious denominations in Frankfort, fifty dollars, to be distributed equally among them by the Sergeant-at-Arms of the Senate.

§ 12. To the Pages of the Senate and House of Representatives, (three for the House and two for the Senate,) one dollar and fifty cents each per day during the session, to be drawn and disbursed by the Sergeants-at-Arms of the two Houses.

§ 13. To Greenup and Alley, for bill of sundries, forty-six dollars and fifty cents, (\$46 50.)

§ 14. To J. M. Mills, for bills of sundries, three dollars.

§ 15. To Samuel C. Bull, for bill of sundries, one hundred and ninety-nine dollars and seventy-five cents, (\$199 75.)

§ 16. To John L. Moore & Son, for bill of sundries, ten dollars and twenty cents.

§ 17. To F. C. Smith, for bill of sundries, twenty-three dollars, (\$23 00.)

§ 18. To A. G. Cammack, for table for Senate, ten dollars.

§ 19. To W. D. Robertson, for services as clerk of Committee on Federal Relations, twenty-five dollars; and to same, for blank book for use of committee, one dollar and fifty cents.

§ 20. To A. W. Vallandigham, for services of negro boy, one dollar per day during this session.

§ 21. To Robb & Dehoney, for bill of sundries, including expenses for telegraphing, one hundred and nine dollars and seventy-seven cents.

§ 22. To A. Conery, for bill of sundries, three dollars and fifty cents.

§ 23. To Gray & Todd, for bill of sundries, thirty-three dollars and fifteen cents, (\$33 15.)

§ 24. To J. W. South, for bill of sundries, fourteen dollars.

§ 25. To Daniel Clark, the "Ancient Governor," fifty dollars.

§ 26. To John Haly, twenty-five dollars, for the services of his cornet band at the funeral of Hon. R. P. Letcher.

§ 27. To Governor Beriah Magoffin, for costs and expenses incurred, and to be incurred, in the prosecution of the case of Commonwealth of Kentucky vs. Wm. Dennison, Governor of Ohio, (petition for mandamus ordering the rendition of Willis Lago, a fugitive from justice,) in Su-

1861.

preme Court of the United States, two thousand dollars ; but this appropriation is not to be drawn until said case shall have been determined, and the services for which it is made have been rendered, except the sum of \$500, which may be drawn immediately.

§ 28. And to G. W. Gwin, for the use of bell and ringing the same during the present session, ten dollars.

§ 29. To the clerk for the Committee of Enrollments, three dollars (\$3 00) per day during the session.

§ 30. That the Auditor of Public Accounts be, and he is hereby, authorized to audit and settle the accounts of the Public Printer and A. G. Hodges & Co., for work done under the provisions of an act, approved March 5th, 1860, entitled "An act for the better organization of the militia ;" and upon said settlement, he is hereby authorized and directed to issue his warrant upon the Treasurer of this Commonwealth in favor of the Public Printer and A. G. Hodges & Co., for such sums as may upon said settlement be found to be due them.

§ 31. To R. W. Blackburn, for bill of sundries, four dollars and fifty cents, (\$4 50.)

§ 32. To H. Overton, for bill of sundries, one hundred and eighty-six dollars and sixty-four cents, (\$186 64.)

§ 33. To J. J. Roberts, clerk of the Committee on Federal Relations of the Senate, twenty-five dollars, (\$25 00 ;) and to same, one dollar and fifty cents, for blank book for use of the committee.

§ 34. The provisions of this bill, so far as appropriations are made for the payment of the Speakers, officers, and servants of the Senate and House of Representatives, shall not be construed so as to extend to the days included within the time now fixed for adjournment and the reassembling of this Legislature on the 20th of March next, except as provided in the third section.

§ 35. This act to take effect from its passage.

Approved February 11, 1861.

## CHAPTER 137.

AN ACT to repeal all laws authorizing the holding of circuit courts in Ohio county prior to the 1st of July, 1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That all laws which authorize the circuit court to be held in Ohio county prior to the 1st day of July, 1861, be repealed, except for the trial of criminal causes: *Provided*, That said circuit court shall be permitted to hold its regular term as now fixed by law after the expiration of

the period above mentioned, in the same manner it would have a right to do if this act had not been passed. 1861.

§ 2. This act to take effect from and after its passage.

Approved February 11, 1861.

### CHAPTER 138.

AN ACT to amend an act, entitled "An act requiring trustees, &c., to execute bond in certain cases," approved March 2d, 1860.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled "An act requiring trustees, &c., in certain cases, to execute bond," be amended in this: That all trustees who have accepted their trusts since the 2d day of May, 1860, and who have not executed bond and taken the oath, as prescribed in the act aforesaid, be allowed the further time of sixty days, from and after the passage of this act, to execute bond and take the oath, as therein prescribed; and all such trustees shall be then qualified as if the act aforesaid had been strictly pursued; and all acts of any such trustees heretofore done, shall be legal and valid, as if the bond had been executed and the oath taken as required by said act.

§ 1 Sess. Acts.  
1859-60, p. 100.

Time given to  
execute bonds,  
&c.

Approved February 11, 1861.

### CHAPTER 139.

AN ACT to change the time of holding the Greenup quarterly court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the terms of the Greenup quarterly court shall commence on the 3d Monday in March, June, September, and December in each year, instead of the time now fixed by law.

§ 2. This act shall take effect from and after the 1st day of April, 1861.

Approved February 11, 1861.

### CHAPTER 140.

AN ACT to amend chapter 86 of the Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the proceeds of any sale of land or slaves made under the provisions of chapter 86 of the Revised Statutes, and the amendments thereto, may be re-invested by loaning

Proceeds of  
sales of lands  
or slaves made  
under provis'ns  
of chap. 86 Rev.  
St. and amend-  
ments, may be  
reinvested.

1861. the same on bond and mortgage in cases where it shall appear to the court most advantageous to the parties interested. Such re-investment shall, in all cases, be approved by the court before being made.

Approved February 14, 1861.

## CHAPTER 142.

AN ACT allowing further time to the sheriffs for the benefit of tax-payers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Indulgence to  
sh'ffs given, on  
certain terms.

§ 1. That the sheriffs of this State who have not finished paying up their State revenue, shall have the further time until the first day of June next, to finish paying revenue into the State treasury, without incurring the penalty of the law for failing within the time now prescribed:

§ 2. Provided that the sheriff who accepts the benefit of this act shall be required to pay in and report monthly on oath to the State Auditor, the amount of revenue that has been collected by him for each month: *And provided further*, That any sheriff failing to comply with this provision, shall not be entitled to the benefit of this act, nor until his securities have entered upon record their consent before their respective county clerks: *Provided further*, That the sheriffs availing themselves of this act, shall pay interest on the balance due from each, at the rate of six per cent. per annum from the 15th January, 1861, till paid: *Provided further*, That such sheriffs as have not paid into the treasury at least thirty per cent. of the net amount of revenue of their respective counties, shall not receive the benefit of this act until said thirty per cent., at least, shall have been paid: *Provided further*, That no sheriff shall be entitled to the benefit of this act until he files in the Auditor's office his statement in writing, with his affidavit attached, in substance, that he has not used for individual purposes, since the 15th of January last, any portion of the revenue by him collected belonging to the State.

§ 3. That this act take effect from its passage.

Approved February 14, 1861.



CHAPTER 150.

1861.

AN ACT to change the time of holding quarterly courts in Jackson county, and to legalize proceedings of said courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act the quarterly courts in Jackson county shall commence on the Tuesdays after the third Mondays in January, April, July, and October, and continue as many juridical days as the business thereof may require.

Times of holding quarterly courts in Jackson county.

§ 2. That all the orders, judgments, and other proceedings of the quarterly court of said county held in the month of April, 1860, be, and the same are hereby, declared to be legal and valid to all intents and purposes, as though the same had been held at the time required by law for the holding of the quarterly court for said month; and duly authenticated copies of said orders, judgments, and proceedings shall be received in evidence in all cases, as though the same had been held at the time then fixed by the existing law.

Proceedings legalized.

§ 3. This act to be in force from its passage.

Approved February 14, 1861.

CHAPTER 153.

AN ACT concerning police and city courts, and fees of county attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act concerning the fees of county attorneys," approved February 25th, 1860, shall not be construed as applying, or intended to apply, to the police or city court of Louisville, or any other police or city court in the Commonwealth wherein an attorney has been specially elected or appointed to prosecute; and in so far as said act might be supposed as applying to either of the courts aforesaid, it is hereby repealed.

§ 2. This act shall take effect from and after its passage.

Approved February 14, 1861.

CHAPTER 157.

AN ACT to authorize circuit and equity courts to have entered of record certain orders for the sale of estates of infants and married women in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whereas, it is represented to the General Assembly, that in cases of petitions having been filed in the

1861.

Orders in certain cases may be enter'd *nunc pro tunc*.

circuit courts and courts of equity in this Commonwealth, under chapter 86 of Revised Statutes, and amendments thereto, for the sale of real estate and slaves of infants and married women, it has sometimes happened that the requisite bonds and commissioners' reports have been made preliminary to orders of sale, and that orders of sale have in fact been made, and sales made and approved; and that nevertheless, through clerical inadvertence, the orders of sale have not been entered on the order books of the court, and doubts exist whether the courts have any general authority to enter such orders *nunc pro tunc*. It shall be lawful in all such cases for the courts, from being satisfied from the papers in the case, and other record evidence, that said orders were written out or really made in said cases, to have the said orders entered of record *nunc pro tunc*, so as to conform to the sales as reported and confirmed.

§ 2. That in all such cases, if it appears of record that the requisite preliminary bonds and commissioners' reports have been made and lodged in the papers of the case, but, through inadvertence, have not been marked filed by the clerk of the court, it shall be lawful for the said courts to make an order *nunc pro tunc*, ordering the same to be filed; and that this act take effect from and after its passage: *Provided*, That the provisions of this act shall not apply to the correction of any mistakes or irregularities, except those committed by clerks; nor shall the power of courts to correct errors, mistakes, or irregularities, as now provided by law, be in anywise restricted by this act.

Approved February 14, 1861.

## CHAPTER 167.

AN ACT appointing commissioners to run and mark the boundary line of Wolfe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

'Commiss'rs to run and mark boundary line.

Pay.

§ 1. That William M. Stamper, Thomas Tutt, and Jahill Fallen, be, and they are hereby, appointed commissioners to run and mark the boundary line of the county of Wolfe; and for their services as commissioners aforesaid, shall be allowed the same compensation now allowed by law to surveyors for like services, to be levied at the court of claims for said county.

Certain surv'ys from records of surveyors' offices of adjoining counties to be transcribed.

§ 2. That the surveyors of the counties of Morgan, Breathitt, Owsley, and Powell, be, and they are hereby, required to transcribe from the surveyors' books of their respective counties, the surveys of all lands within the limits of the county of Wolfe, and furnish the same to the surveyor of said county; and for their services herein they

shall be allowed the same compensation now allowed by law for like services, to be levied at the court of claims for the county of Wolfe.

1861.

Pay.

§ 3. That the commissioners to run and mark the lines of Wolfe county, mentioned in the first section of this act, shall file a report, plat, and survey of said county lines in the county court clerk's office of Wolfe county, and in each of the counties of Morgan, Breathitt, Owsley, and Powell, to be kept by the clerks of said county courts as other records.

Rep't of boundary—where to be filed.

§ 4. This act to be in force from its passage.

Approved February 14, 1861.

## CHAPTER 172.

AN ACT to establish an equity and criminal court in the county of Ballard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an equity and criminal court is hereby established in the county of Ballard, for the trial of equity and criminal causes exclusively.

Eq. and crim. court established in Ballard.

§ 2. That the terms of said equity and criminal court in the county of Ballard shall be holden in the months of June and December, commencing on the 3d Monday in June and 2d Monday in December in each year, and continue each twelve juridical days.

When terms to be held.

§ 3. That the clerk of the Ballard circuit court is authorized to transfer the equity and criminal causes on the circuit court docket to the docket of the equity and criminal court docket, for trial in the equity and criminal court.

Cases to be transferred.

§ 4. That this act to take effect from its passage.

Approved February 14, 1861.

## CHAPTER 175.

AN ACT changing the time of holding the Bullitt county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the county court of Bullitt county held in the month of April shall be held on the 2d Monday in said month, and shall be held on the 3d Monday in each and every other month in the year; and all laws in conflict with this act are hereby repealed.

§ 2. This act to take effect from and after the first day of March, 1861.

Approved February 14, 1861.

1861.

## CHAPTER 179.

AN ACT to allow non-resident aliens who are heirs and devisees to hold and convey real estate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Non-resident alien to acquire real estate by descent or devise, which he may hold, sell, alienate, and convey for eight years after settlement of decedent's estate. If an infant, how to alienate

Proviso.

§ 1. That it shall be lawful for any non-resident alien to acquire real estate in this State, by descent or devise, and to hold, sell, alienate, and convey the same as if he or she were a citizen of the United States; but the time during which such alien may thus hold, sell, alienate, and convey said real estate shall expire eight years after the final settlement of the decedent's estate. And in the case that said alien should be a minor, his or her guardian or curator shall have the right to hold, sell, alienate, and convey said real estate for the benefit of said minor, during the time specified in this section: *Provided*, That such sale by the guardian or curator must be made in the same manner, and under the same regulations and restrictions that the sale of infants' real estate is required to be made by the provisions of the Revised Statutes.

If alien die in possession, how his heirs or devisees to hold.

§ 2. If the aforesaid non-resident alien who has thus acquired, by descent or devise, possession of real estate for a limited time, as specified in the preceding section of this act, should die before the expiration of that time, and in possession of said real estate, then his heirs or devisees, if they are likewise non-resident aliens, shall acquire and hold said real estate under and with the provisions of this act; but if they are citizens of the United States, or persons who may by law, and independent of this act, hold and convey real estate in this State, they shall inherit and succeed as they would have done if their ancestor or devisor had been a citizen of the United States.

Approved March 21, 1861.

## CHAPTER 184.

AN ACT to repeal an act in relation to the collection of the railroad tax of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

An act of Feb. 27, '60, repealed. Former laws revived.

§ 1. That an act, entitled "An act defining the duties of the sheriff of McCracken county," approved February 27, 1860, be, and the same is hereby, repealed; and all laws or parts of laws in force at the time of the passage of said recited act in relation to the collection of the county railroad tax of said county, be, and the same are hereby, revived and declared in full force and effect.

§ 2. This act shall take effect from and after its passage.

Approved March 23, 1861.

CHAPTER 190.

1861.

AN ACT to authorize stockholders in turnpike roads in which the State holds stock to vote by proxy.

WHEREAS, Doubts exist as to the right of private stockholders to vote by proxy in some of the incorporated turnpike road companies in which the State holds stock; to remove which—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the private stockholders in all the turnpike roads in which the State has stock, be authorized to vote by written proxy at all elections hereafter to be held for the election of directors or managers therein, as fully as they could do in person.

Private stockholders in turnpike road companies to have right to vote by written proxy.

§ 2. This act shall take effect from the passage thereof.

Approved March 23, 1861.

CHAPTER 192.

AN ACT to postpone the trial of civil causes at the April term, 1861, of the Bullitt, and March terms, 1861, of the Carroll circuit court, and the March terms, 1861, of the Pulaski and Nelson, and the May term, 1861, of the Larue circuit courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That no civil cause shall be tried, nor any order of proceedings made or had therein at the April term, 1861, of the circuit court of Bullitt county, and all process in civil causes made returnable to said April term, shall have the same force and effect in all respects whatever as if made returnable to the August term, 1861, of said court; and all civil causes heretofore continued over to the said April term, shall stand continued until said August term: *Provided*, That nothing in this act shall prevent the holding of a circuit court in said counties, as now directed by law, for the preparation and trial of criminal causes now pending in said courts.

Spring term of Bullitt circuit court, postponed as to civil business.

§ 2. That the March term of the Carroll circuit court be postponed until its August term, 1861.

§ 3. The provisions of this act shall apply to the March terms, 1861, of the Pulaski and Nelson, and the May term, 1861, of the Larue circuit court.

Pulaski.  
Nelson.  
Larue.

§ 4. This act shall take effect from and after its passage.

Approved March 25, 1861.

## LAWS OF KENTUCKY.

1861.

## CHAPTER 193.

AN ACT to repeal the spring term of the several courts in Metcalfe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That no term of either the circuit, criminal and equity, quarterly, or justices' courts of the county of Metcalfe, shall be held prior to the first day of July next.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1861.

## CHAPTER 194.

AN ACT further to amend chapter 86, Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

How slaves of infant in certain cases may be sold.

§ 1. That the first section of the act approved February 16th, 1858, entitled "An act to amend chapter 86 of the Revised Statutes," be so amended as to read, "that the slaves, or any interest therein held by an infant, may be sold by the judgment of a circuit court having jurisdiction thereof, or by the judgment of a court of equity not inferior to the circuit having jurisdiction thereof, in the same manner and by the same proceedings regulating the sales of real estate of infants prescribed by chapter 86, article 3, of the Revised Statutes."

§ 2. This act shall take effect from its passage.

Approved March 26, 1861.

## CHAPTER 196.

AN ACT to amend the penal laws in relation to certain duties of county court clerks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Penalty on co's court clerk for failing to return to Auditor a copy of com'er's book.

§ 1. That any clerk of a county court of this Commonwealth who shall fail, for one month after the passage of this act, to transmit to the Auditor of Public Accounts a copy of the commissioner's book for his county for the year 1860, as provided by section 1, of article 8, chapter 83, Revised Statutes, shall, upon conviction, on an indictment of the grand jury of his county, be imprisoned thirty days in the county jail of his county, and fined from five hundred to one thousand dollars, within the discretion of the jury: *Provided*, That the commissioner's book shall have been made out for said year 1860, and within the control of said clerk. The provisions of this section shall

not apply to such clerks as have heretofore made a return of said commissioner's book to the Auditor for 1860.

1861.

§ 2. That upon a conviction of any such clerk, under the first section of this act, it shall be the duty of the county judge of the county in which such failure may have taken place, to ascertain whether a copy of such commissioner's book for the year 1860 has been forwarded to the Auditor; and in case the same has not been so forwarded up to the time of such inquiry, to cause a copy to be made from the commissioner's book returned for the year 1860, as aforesaid, and himself certify the same as a true copy, and immediately cause said copy to be forwarded to the Auditor as clerks are now directed by law to do, which shall be as valid and have the same effect as if certified and forwarded by the clerk; and the said county judge shall have the same compensation as clerks are by law entitled to for like services, to be paid at the treasury, upon the county judge's account, showing the amount verified by his affidavit made before a justice of the peace.

County judge to cause a copy to be made and forwarded to Auditor.

Pay.

§ 3. The county judge in any case arising under the second section of this act, shall have full power and authority to take possession of the commissioner's book, for the purpose aforesaid; and shall, when the same has been copied as aforesaid, return it to the office of the county court clerk where the same properly belongs.

Co'ty judge to take possession of commissioner's book.

§ 4. If any clerk of a county court shall fail or refuse to perform, when the same may be possibly, and with reasonable diligence done, any duty required by the said first section, of the eighth article, of chapter eighty-three, Revised Statutes, as therein directed to be performed, in addition to the liabilities now imposed by law, such clerk, upon indictment, being found guilty of any such failure or refusal, be fined, within the discretion of the jury, from one hundred to one thousand dollars; and the sureties of such clerk, in his official bond, shall be liable in a suit on the bond to any such fines as may be imposed by this act.

Penalties on clerks who fail to perform duty required by sec. 1, art. 8, of chap. 83, Rev. Statutes.

Sureties liable for the fines.

§ 5. Nothing in this act shall be construed in anywise to release any clerk of a county court from any liability to be removed from office for misbehavior in office, by reason of any of the foregoing penalties.

Clerks still liable to be removed from office.

§ 6. This act shall be in force from its passage.

Approved March 26, 1861.

1861.

## CHAPTER 204.

AN ACT to legalize acknowledgments of deeds taken before late mayors of Newport.

WHEREAS, It is represented to this General Assembly that a large number of deeds, mortgages, and other written instruments, have heretofore been acknowledged by the parties thereto, before T. W. W. DeCourcy, Geo. R. Fearons, and F. A. Boyd, former mayors of the city of Newport, which deeds, mortgages, and other writings have been admitted to record in the proper office in Campbell county and elsewhere; and whereas, doubts have existed, and do now exist, as to the power of said mayors to take said acknowledgments; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Acknowledg-  
ment of certain  
deeds legalized

§ 1. That all acknowledgments of deeds, mortgages, and other instruments of writing, heretofore taken before T. W. W. DeCourcy, Geo. R. Fearons, and F. A. Boyd, former mayors of the city of Newport, be, and the same are hereby, legalized; and such acknowledgments shall have the same effect, in all respects whatever, as if they had been made before the clerk of the county court of Campbell county; and certified copies of such deeds, mortgages, and other instruments of writing, shall be entitled to the same credit as evidence in all courts, and other places, as like copies of deeds, mortgages, and other instruments of writing acknowledged before said clerk: *Provided*, That nothing in this act shall be so construed as to legalize any acknowledgments which would not have been valid if made before the clerk of said county court.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1861.

## CHAPTER 207.

AN ACT to amend an act concerning the penitentiary, approved February 1, 1858.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Keeper peni-  
tentiary to pay  
\$6,000 per an-  
num for resi-  
due of his term

§ 1. That the third sub-division of the first section of an act, entitled "An act concerning the penitentiary," approved February 1, 1858, be so amended as to read, Jerry South, the present keeper of the penitentiary, shall be bound to pay into the treasury to the credit of the Sinking Fund, at the end of each year yet remaining of his present term of office, the sum of six thousand dollars.

§ 2. That this act shall take effect from its passage.

Approved March 28, 1861.



CHAPTER 208.

1861.

AN ACT authorizing the Sinking Fund to loan money to the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in order to meet a casual deficit in the revenue, the Commissioners of the Sinking Fund are authorized, and it is hereby made their duty, to loan to the State of Kentucky the sum of one hundred thousand dollars out of the surplus money in the treasury to the credit of the Sinking Fund; and for the amount of said loan the Governor is authorized and required to issue a bond for, and on behalf of the Commonwealth, payable to the Commissioners of the Sinking Fund nine months after the date thereof, bearing interest at the rate of six per cent. per annum.

Sinking Fund money to be loaned to the State for ordinary revenue purposes.

§ 2. The Commissioners of the Sinking Fund are also authorized, and it is hereby made their duty, to loan to the State of Kentucky the sum of one hundred thousand dollars out of the surplus money in the treasury to the credit of the Sinking Fund; and for the amount of said loan the Governor is authorized and required, upon the call of the Auditor and Treasurer, to issue a bond for and on behalf of the Commonwealth, payable to the Commissioners of the Sinking Fund six months after the date thereof, bearing interest at the rate of six per cent. per annum.

§ 3. The money which may be loaned to the State under this act, shall be placed in the treasury to the credit of the revenue proper, and subject to the warrants drawn by the Auditor for the ordinary expenditures of the government, including appropriations made by the Legislature.

§ 4. This act shall take effect from its passage.

Approved March 28, 1861.

CHAPTER 209.

AN ACT to repeal in part certain terms of the circuit court, the equity and criminal court of Logan, and the circuit court of Todd counties, and other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all laws requiring the April term of the Logan circuit court, the July term of the Logan equity and criminal court, and the April term of the Todd circuit court, to be holden for the year 1861, so far as concerns the trial of civil causes in said courts, be, and the same are to that extent, hereby repealed: *Provided*, That it may be lawful, at said terms, to take any and all preliminary steps, preparatory to the trial of causes in said courts, at said terms, that could now be legally taken: *And provided*

Civil business of Logan circuit court postponed.

1861. *further*, That nothing herein shall prevent the trial of any civil cause in said courts, where the parties thereto all consent to the same: *And provided further*, That all civil process of every kind, returnable to said terms, shall be continued until the next regular terms of said courts, and nothing herein shall be construed to interfere, in any way whatever, with the trial of criminal causes in said courts at said terms.

Quarterly and  
justices' courts  
revised.

§ 2. That all laws now in force requiring the holding of quarterly and justices' courts, to be holden in said counties for the trial of civil causes shall be, and the same are hereby, repealed; and no such courts shall be holden in said counties until after the first Monday in October, 1861; and all process of a civil nature from said courts shall be continued until the regular terms of said courts, after the said first Monday in October, 1861, when, and after which time, they shall proceed to hold their regular terms, as now required by law.

Provisional  
remedies al-  
lowed

§ 3. That nothing contained herein shall be construed to interfere, in any manner whatever, with the provisional remedies now allowed by law in either of said counties.

§ 4. That nothing contained in this act shall be construed to interfere with the regular time of holding said courts, otherwise than specially provided for in this act; and all laws repealed by this act shall be re-enacted in full force from and after the terms of the different courts referred to herein.

§ 5. This act shall take effect from and after the 1st day of April, 1861.

Approved March 28, 1861.

## CHAPTER 216.

AN ACT to revive an act establishing the office of county treasurer for Bracken county, Approved March 10th, 1856.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act establishing the office of county treasurer for Bracken county, approved March 10th, 1856, be, and the same is hereby, revived; and the act repealing the same, approved December 19th, 1857, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 30, 1861.

CHAPTER 222.

1861.

AN ACT to exempt guns from execution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That on all liabilities created after the 1st day of June, 1861, in addition to the property now exempt from execution, there shall be exempt from execution, attachment, distress for rent, or fee bills, one gun; but the gun so exempted shall not exceed in value fifty dollars; and this act shall only apply to *bona fide* housekeepers.

§ 2. This act shall take effect from its passage.

Approved March 30, 1861.

CHAPTER 237.

AN ACT giving further time to ministers of the gospel and other persons to return marriage license.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all ministers of the gospel, and other persons authorized to solemnize the rite of matrimony in this Commonwealth, who have failed to make the proper return of license in the specified time allowed by law, shall have the further time until the first day of October next to make such returns.

§ 2. This act to take effect from and after its passage.

Approved March 30, 1861.

CHAPTER 248.

AN ACT to change the time of holding the Larue county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Larue county shall be held on the fourth Mondays in each month, instead of the first Mondays, as now held by law, except in the months of May and November, in which months no regular county court shall be held.

§ 2. This act shall not prevent the holding of called courts as now held by law.

§ 3. This act to take effect from and after the 1st day of May, 1861.

Approved April 1, 1861.

1861.

## CHAPTER 270.

AN ACT changing the time of holding the county and quarterly courts in Monroe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

County courts of Monroe to be held on 1st Mond'y instead of 4th Monday in each month.

§ 1. That from and after the first day of June next, the county courts in Monroe county shall commence and be holden at the court-house in said county on the first Monday in each month, in place of the fourth Monday, as now provided.

Quarterly courts when to be held.

§ 2. That the quarterly courts in said county shall, from and after the first day of June next, commence and be holden at the court-house in said county, on Tuesday after the first Monday in March, June, September, and December, instead of the times now fixed by law, and shall continue in session from day to day till all the business is disposed of.

Co'ty courts in Jan'y, April, July, and October, not to be held, except called courts.

§ 3. That it shall not be the duty of the county judge of said county to hold any county court in said county in the months of January, April, July, and October, unless he shall deem it proper to have a special call court for the transaction of urgent business.

Approved April 3, 1861.

## CHAPTER 282.

AN ACT to provide for the election of delegates to a Convention to be held at Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Delegates to a border slave State convention to be elected.

§ 1. That an election shall be held, on the first Saturday in May next, at all the election precincts in this State, to elect twelve delegates to a convention of the border slave States, and such other slave States as have not passed ordinances of secession, to meet at Frankfort, Kentucky; and said delegates shall be voted for and elected by the State at large, in the same manner that State officers are now elected; and the same laws which apply to and regulate the mode of the election of State officers by the qualified voters of the whole State, shall apply to and govern the election of said delegates.

Deleg'es elected to be commissioned by the Governor.

§ 2. That the persons who may be thus elected shall be commissioned by the Governor as delegates to said convention, and are empowered to meet the delegates from the States aforesaid, in convention, to consult on the critical condition of the country, and agree upon some plan of peaceable adjustment.

§ 3. The convention shall be held on the 27th of May next, or at such other time as a majority of the delegates elected in this State may appoint, to suit the convenience of the delegates from the other States. 1861.

§ 4. That one of the delegates to represent Kentucky in the border slave State convention shall be required to reside in each Congressional district in this State. One delegate to reside in each district.

§ 5. This act shall take effect from its passage.

Approved April 3, 1861.

## CHAPTER 288.

AN ACT to confer additional jurisdiction in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter, in actions for the recovery of money or property, where the amount claimed by the plaintiff does not exceed fifty dollars, exclusive of interest, and the defendant or defendants are non-residents of Kentucky, and said defendants are the owners of real estate in this Commonwealth, but not of personal estate sufficient to satisfy the demand of the plaintiff, jurisdiction is hereby conferred upon the circuit and equity and criminal courts of the county where such real estate is situate to try such action, as though the amount claimed exceeded fifty dollars; and the plaintiff shall be entitled to sue out all such provisional remedies, and to prosecute his demand in the same way and under the same rules as now apply to similar actions in said courts, where jurisdiction is now given by law. Additional jurisdiction given to circuit and equity ct's, to sell lands of non-residents.

§ 2. This act to be in force from its passage.

Approved April 3, 1861.

## CHAPTER 290.

AN ACT to amend the 6th and 7th sections of chapter 88, Revised Statutes, entitled "Schools and Seminaries."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 6th section of the 88th chapter of Revised Statutes, entitled "Schools and Seminaries," be so amended as to require the officer holding the election for school trustees, in each school district, to report the names of the trustees elected to the commissioner for the county, within thirty days after the holding of said election. 2 Stanton's Revised Stat., 325.

§ 2. That the 7th section of said chapter be so amended as to require a renewal of the certificate of qualification 2 Stanton's Rev. Stat., 326.

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Present certificates of qualification of teachers declared void.

to teachers every two years after the first day of June next, and that all certificates granted to teachers previous to the first day of January, 1860, be, and are hereby, declared null and void.

§ 3. This act to take effect from 1st June next.

Approved April 3, 1861.

### CHAPTER 293.

AN ACT fixing the time of holding the Magoffin county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county courts of Magoffin county, after the first day of May, 1861, shall be held on the third Monday of each month, and continue as many days as the business of the court may require.

§ 2. This act to take effect from its passage.

Approved April 3, 1861.

### CHAPTER 301.

AN ACT to amend the militia law.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 session acts, '59-60, page 142.

Parts of former act re-enacted.

§ 1. That all such parts of an act, entitled "An act for the better organization of the Kentucky Militia," approved March 5, 1860, which failed to go into effect in consequence of there being no record of the yeas and nays upon the journals of the Legislature, as required by the Constitution in certain cases, be, and the same are hereby, re-enacted and reaffirmed; and that all appropriations therein contained, and necessary to the carrying into effect of any of the provisions of said act, are hereby confirmed; and the Auditor of Public Accounts is directed to draw his warrant, from time to time, in favor of all persons who shall have discharged the duties enjoined upon them by said act, for such sums as their services entitle them to receive.

Failure in duty of certain officers not to exempt persons from fines.

§ 2. That the absence of a military organization in any county, or the failure of any officer of the Enrolled Militia to comply with the requirements of section 13, article 11, shall not be construed to exempt any member of the Enrolled Militia from the military fines in lieu of military service fixed by section 14 of the same article.

Inspector for each county. His duty.

§ 3. With a view to the better organization of the Militia, and the collection and preservation of the public arms and other property, the Inspector-General is authorized to

1861.

appoint in each county in the State a staff officer, with the rank of Major, to be called an Inspector, who, under such regulations as he may prescribe, shall supervise and direct the organization and instruction of the Active and Enrolled Militia in their respective counties or military districts.

§ 4. Whenever in the opinion of the Commander-in-Chief the public safety may demand it, he may cause such proportion of the Enrolled Militia as he may deem necessary in any particular counties or districts, to be organized into one or more Active Reserves, which may be formed either by receiving volunteers, or by drafting names from the list of the Enrolled Militia, under such regulations as he may prescribe. The names thus drawn shall be recorded by the county clerk in the record book of the Enrolled Militia, and such record shall be deemed a sufficient notice of enrollment in the Active Reserve.

Active Re-  
serves. How  
formed.

Clerk's duty.

§ 5. In the event of insurrection or other public danger, the Active Reserve may, in case of necessity, be called to the support of the Active Militia. The term of service or organization of the Active Reserve shall be one year from the time of enrollment; but under urgent circumstances the Commander-in-Chief shall have authority to retain them for a longer term, not exceeding three months; and after their tour of service shall have been performed, and their organization disbanded, the members shall not again be compelled to serve, except when their regular tour of duty arrives.

When Active  
Reserve to be  
called into ser-  
vice.  
How long to  
serve.

§ 6. The Active Reserves shall be subject to the same laws and regulations that govern the Volunteer Militia; but they shall not be required to uniform themselves, and shall not receive public arms, except under circumstances contemplated by section 28, article VI; but under proper regulations they shall receive such facilities for instruction as practicable with the arms which may have been issued to the companies of the Kentucky State Guard; but such instruction shall be under the immediate supervision or command of an officer of the State Guard. During the term of their organization the Active Reserves shall be exempt from the fines imposed on the Enrolled Militia for non-attendance at the regular musters authorized by existing laws; but shall be subject to at least double such fines for non-attendance at any drill or meeting ordered by their proper officers; such fines to be collected, as in other cases, on the sentence of a court-martial, and applied to the use of the Reserve as provided for the militia under existing laws, or as may be provided for under the by-laws and regulations of the respective organizations of the Active Reserves.

Further regu-  
lations for Ac-  
tive Reserves.

§ 7. It shall be the duty of persons appointed or elected to any office in the Militia to enter upon the discharge of

Officer elected  
to accept or de-  
cline immedi-  
ately.

1861. its duties immediately; and the performance of any duty appertaining to the office shall be construed into an acceptance of the same. And should any such person fail, within ten days after receiving a notice of his appointment or election, to signify his acceptance of the office, it may, at the option of the officer ordering the election or making the appointment, be declared vacant; but such officer may, in like manner, should any public necessity therefor exist, declare such office vacant, when the person who may have been elected or appointed to fill it, shall refuse to signify his acceptance or declination of the same when an opportunity is given him to make known his decision.

Appointment of General officers to receive advice and consent of Senate.

§ 8. The appointment or election of all general officers now holding commissions in the Militia, or who may be hereafter appointed or elected in the Militia, shall be subject to the advice and consent of the Senate; and the refusal of the Senate to confirm such appointments or elections shall vacate the office from and after the adjournment of the Legislature; but until such time, or until their rejection by the Senate, such officers may enter upon and continue to discharge the duties of their respective offices. And it shall be the duty of the Governor to present the names of all such officers for the advice and consent of the Senate. No person rejected by the Senate shall be re-appointed during the recess of the Legislature.

Officers liable for public property.

And may be fined.

Clerk's duty.

§ 9. Company and other officers, and members of companies of the Volunteer Militia, and other persons subject to military duty, in addition to their responsibility as for a military offense, shall be liable, through courts-martial, in a pecuniary way, for the public property in their possession; and in case of loss or injury from neglect, shall be fined at least double the amount of the loss or injury; such sums of money, after collection, as in other cases, shall be paid to the clerk of the county court, who shall remit the money to the Auditor, as a military fund, to be credited to the county against the loss for which it is chargeable under section 18, article 6.

Penalty for embezzling public property

§ 10. Any officer, non-commissioned officer, musician, or private of the Militia, or other person subject to military law, who shall embezzle public money, or military funds, or public arms, or public property of any description whatever intrusted to his care, shall be deemed guilty of felony, and punished as in other cases of felony under existing laws.

Power of general courts-martial.

Sheriff's duty.

§ 11. General courts-martial shall have authority to inflict fines not exceeding one hundred dollars; and courts-martial may inflict the same punishment for contempt or disrespect towards the court as the circuit courts of this Commonwealth now have authority to do; and it shall be the duty of the sheriff to execute the order of the court.



§ 12. It shall be the duty of the Judge Advocate, or Recorder of a court-martial, except when troops are in the pay of the State, in which case the fines may be deducted from the pay, to file in the clerk's office of the circuit court of the county in which the court-martial was held, or in which the accused party may reside, a copy of the judgment or sentence of the court-martial imposing a fine, certified to by the president of the court; whereupon the clerk shall issue, in the name of the Commonwealth of Kentucky, such writ as may now issue upon a judgment in the name and for the use of the Commonwealth; and any other final process may issue, from time to time, until the judgment be satisfied. And the clerk shall be entitled to a fee of twenty-five cents for filing the same, which shall be paid by the party filing the same, and be included in the execution.

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Judge Advocate's duty.

Clerks circuit court duty.

§ 13. It shall be the duty of the sheriff, into whose hands the writ may come, to faithfully execute the same, and to pay over the money as required by law; and upon his failure to perform his duties as herein required, he shall be liable on his official bond, in the same penalties as are now prescribed by law in similar cases; and for the performance of these duties he shall be entitled to the same compensation as is now allowed by law for collecting money under execution.

Sheriff's duty.

Sheriff's fees.

§ 14. It shall be the duty of the Judge Advocate or Recorder to institute proceedings in the name of the Commonwealth, against the sheriff, upon his failure to perform the duties enjoined in this act.

Proceedings against sheriffs.

§ 15. Upon a written complaint or official representation, in writing, in regard to the incompetency or inefficiency of an officer, the Inspector General or other general officer, shall have authority to convene a court of inquiry, to be composed of competent officers, to examine into the qualifications of persons holding any office in the Active Militia, or in the Active Reserves; or in the Enrolled Militia when in the service of the State; and when two thirds of the members of such court shall have pronounced an officer incompetent to the discharge of the duties of his office, or manifestly neglectful of the interests of the men under his command, the officer ordering such court may, at his discretion, when he approves of such finding of the court, drop the name of such officer from the rolls, or suspend him from rank, command, and pay, until he shall have qualified himself for the duties of his office.

§ 16. Whenever an officer, after having been duly notified, by written notice served upon him in person, or left at his residence, or addressed to him through the ordinary channels of postal communication, shall fail to appear before a court-martial; or to make a report or return of

For what an officer's name may be dropped from the rolls.

1861.

the condition and strength of his command when required ; or shall absent himself from his command without leave, and shall fail to perform any of the duties of his office for more than one month, and shall not render a satisfactory excuse for his absence or neglect, his name may, at the option of the Commander-in-Chief, be dropped from the rolls and the person considered no longer an officer.

Proceedings by  
court martial  
in such cases.

§ 17. Whenever notice has been served, as provided in the preceding section, upon an officer or other party under charges, and such accused person shall fail to appear at the time and place designated in the notice, the court-martial which may have assembled for the trial of such person, shall have authority to enter a plea of not guilty, and to proceed to trial in his absence ; but whenever, in the opinion of the court-martial, the presence of any person, whether an accused party or a witness, shall be necessary to the proceedings, the president of the court-martial shall have the same authority to compel the attendance of such person, by summons and attachment, as the circuit courts now have ; and it shall be the duty of the sheriff, or, if his services cannot be conveniently procured, of the marshal, who may be appointed by the court, or by the officer ordering the court, to execute such process ; and for the purposes of this and the succeeding section, such marshal is hereby invested with the authority of a sheriff in analogous cases.

Sheriff's duty.

Penalties for  
failing to re-  
pair to the ren-  
dezvous.

§ 18. All persons subject to military duty who fail or refuse to repair to the appointed rendezvous, when ordered into the service of the State, shall, upon being found guilty by a general court-martial, if a commissioned officer, be cashiered and fined in a sum not to exceed five hundred dollars ; if a non-commissioned officer, musician, or private, or other person subject to military law, he shall be fined in a sum not to exceed three hundred dollars. The sheriff or marshal of the court shall execute the order of the court-martial.

Sheriff's duty.

Courts of as-  
sessment abol-  
ished.

§ 19. Courts of assessment are hereby abolished, and their authority vested in company, battalion, regimental, and general courts-martial ; and all the authority of brigade courts-martial is likewise invested in regimental and general courts-martial.

"Men out of  
ranks" may be  
organised.

§ 20. Whenever there shall be a necessity for their employment, the Commander-in-Chief may organize a corps of "men out of ranks," or ordnance men, pontoneers and drivers for the Ordnance, Engineer, and Quarter-master's Departments, on the footing, as regards pay and emoluments, as the cavalry.

Requisitions  
for arms, &c.

§ 21. Requisitions for arms, equipments, and munitions shall be approved by the Inspector General before being issued.

§ 22. In the organization of the State Guard the proper proportions between the different arms of service shall be followed as nearly as may be.

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State Guard to be in proper proportion. Public arms not to be sold till properly condemned.

§ 23. No public arms, equipments, or munitions of any kind shall be sold until condemned, after inspection by the Inspector General.

§ 24. The office of Third Lieutenant shall hereafter be known as that of Brevet Second Lieutenant.

Brevet 2d Lieut.

§ 25. The Inspector General shall be entitled to an office and office furniture, and necessary postage; or in lieu of an office, to a reasonable office rent, to be limited by the Commander-in-Chief to the actual rent of a suitable room.

Office rent and postage.

§ 26. In all cases where the proceedings of a court-martial shall be stopped by legal process from a superior court, it shall be the duty of the court from which such process issued to hear and determine the matter immediately; and no appeal shall be granted from the decision of such court, unless a certified copy of the record is, within fifteen days, presented to a judge of the Court of Appeals, in vacation, and the appeal granted by such judge; or to the Court of Appeals, in term time, and the appeal granted by said court; and if the appeal is granted, the Court of Appeals, if in session at the time, shall hear and determine the case immediately. If not in session at the time the appeal is granted, the case shall stand for trial first on the docket of the succeeding term.

Proceed the civil courts, by which proceedings of a court-martial are stopped, to be tried immediately. Appeals to Court of Appeals in such cases.

§ 27. The term of the obligation of the Volunteer Militia shall be two years, from the date of becoming a member, at the end of which time a member of a company may claim his discharge; but if not claimed by him at the expiration of the second year, he shall continue in his company an additional year; and shall thus continue a member from year to year, until he shall claim his discharge at the end of the year.

Term of volunteer militia to be two years.

§ 28. That any member of the State Guard, who was mustered into service before the passage of this amendment to the military bill by this Legislature at this session, shall have the right to withdraw from the State Guard without the consent of any of the officers.

What officers and members of State Guard may withdraw.

§ 39. That the amount assessed by section 14, article 2, of the act to which this is an amendment, be reduced from fifteen cents to ten cents, for each muster or drill.

Approved April 4, 1861.

# LAWS OF KENTUCKY.

1861.

## CHAPTER 302.

AN ACT to carry into effect certain provisions of an act for the better organization of the militia.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following appropriations be, and are hereby, made, out of any money in the treasury not otherwise appropriated:

1. For the construction of an arsenal at Frankfort and necessary machinery, - - - \$8,500
2. For ammunition, - - - - - 2,000
3. For camp equipage, - - - - - 1,000
4. For salary of master armorer, in addition to the salary of the keeper at present, - - 400
5. For pay of mechanics and laborers to be employed in repairing of arms, &c., - - 3,500
6. For cartridge boxes and other accoutrements necessary to the arms already owned by the State, - - - - - 2,500
7. For repairs of arms by the government of the United States, should any sum be due, such amount as will discharge the same, not to exceed - - - - - 500
8. For the Inspector General and clerk hire, - 1,000

§ 2. The arsenal for repairs shall be constructed and placed under the charge and direction of the Governor of this Commonwealth; and the purchase of ammunition and other stores and equipage, provided for as above, shall be by the Inspector General.

Approved April 4, 1861.

## CHAPTER 309.

AN ACT providing for an election in Marion county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the clerk of the Marion county court, or, in his absence, the clerk of the circuit court, shall issue a writ of election forthwith, directed to the sheriff, fixing the time of holding an election to fill the present vacancy in the office of county judge for Marion county, to take place at the ensuing May election for 1861; and the sheriff shall give notice of the election by advertising in the newspapers printed in said county, and also a written notice, posted at the place of voting in each precinct in the county.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

CHAPTER 310.

1861.

AN ACT regulating the July term of the Mason circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the term of the Mason circuit, now required by law to commence on the 4th Monday in July in each year, and continue twenty-four juridical days, be, and the same is hereby, abolished; and instead thereof, an equity and criminal term of said court shall be held on the fourth Monday in July in each year, and continue for one week.

Approved April 4, 1861.

CHAPTER 316.

AN ACT to distribute books to certain counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the Secretary of State, at the earliest practicable period, to furnish Harlan and Monroe's Digest of the decisions of the court of appeals to the clerks of the circuit and county courts of the following counties, to-wit: Metcalfe, Boyd, Magoffin, Webster, and Wolfe.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

CHAPTER 320.

AN ACT changing the times of holding the equity and criminal court of Hickman and Fulton counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of the act, entitled "An act to regulate the times of holding the circuit and equity and criminal courts for the first judicial district of Kentucky," approved February 18th, 1860, be so amended as to provide that the Hickman equity and criminal court to commence on the first Mondays in May and November, and continue each twelve juridical days.

<sup>1</sup> Session Acts. 1859-60, page 37.

Hickman.

§ 2. And the Fulton equity and criminal court to commence on the first Mondays in June and December, and continue each twelve juridical days.

Fulton.

Approved April 4, 1861.

1861.

## CHAPTER 337.

AN ACT giving further time to delinquent common school districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act passed the 22d of February, 1860, entitled "An act for the benefit of common school districts," be, and the same is hereby, revived, and shall be in full force until the first day of October, 1861; and that any common school district in which a school has been taught, according to the provisions of said provided act, which has not reported the same heretofore, have until the first day of October, 1861, to report, and when thus reported, shall be entitled to all the benefits of said recited act.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 340.

AN ACT to amend the charters of the several banks of issue.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Bank of Ashland, Bank of Louisville, Northern Bank of Kentucky, Southern Bank of Kentucky, and Bank of Kentucky, be, and they are hereby, authorized to issue notes of a less denomination than five dollars, any thing in the charters of said banks to the contrary notwithstanding.

§ 2. The Legislature reserves power to repeal this act.

§ 3. That if the banks of issue in this State, to-wit: The Bank of Kentucky, Farmers' Bank, Bank of Louisville, Northern Bank of Kentucky, Southern Bank of Kentucky, Commercial Bank, Bank of Ashland, and People's Bank, can exhibit the fact, that in addition to the present amount loaned, they have loaned to bona fide residents of this State the sum of \$2,000,000 by the 1st day of June, 1861, then any suspension of specie payment by said banks on liabilities due from them for the space of two years, shall be, and is hereby, legalized, and shall in no event operate as a forfeiture of any of the chartered privilege now granted by the General Assembly to said banks.

§ 4. No greater amount than \$1,000 shall be loaned to any one individual, and it shall be agreed between the parties, that no greater amount than 20 per cent. shall be demanded of the debtor every one hundred and twenty days. But the right to a renewal of notes and additional securities may be required and enforced by law, at the maturity of each note, in the discretion of the bank officers.

Bills less than \$5 may be issued.

Power to repeal reserved.

Banks may suspend specie payment if they loan \$2,000,000 by the 1st of June, 1861.

Not more than \$1,000 to be loaned to any one person.

§ 5. It shall be the duty of said banks to divide the sum aforesaid, in sums of \$200,000 to each congressional district, and that sum to be divided among the several counties composing the said congressional districts, as near as may be, in proportion to the number of qualified voters therein. The Commercial Bank, and branch of Farmers' Bank, at Princeton, shall make the loans in the first district; and Bank of Ashland in district nine; the Southern Bank and People's Bank in districts two and three; Bank of Kentucky and Bank of Louisville in districts four, five, and seven; the Farmers' Bank and Northern Bank in districts six, eight, and ten.

1861.

Loans to be apportioned among the Congressional Districts.

What banks to furnish certain districts.

§ 6. The evidence of the fact that the loans herein provided for have been made, shall be the written affidavits of the presidents, cashiers, and clerks of the aforesaid banks, filed in the office of the Attorney General of this State, by the first day of July, 1861; and this act, legalizing the suspension of specie payments, shall not continue in force longer than two years from and after the date above.

What evidence of compliance to be sufficient.

This act to be in force only two years.

§ 7. None of the provisions of this act to apply, unless all are accepted and acted on by said banks, whose duty, by their proper officers, it shall be to notify the Attorney General by the first day of May, 1861, of their acceptance or rejection of the provisions herein.

§ 8. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 341.

AN ACT to amend an act to protect graves and grave-yards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The second section of an act, approved March 9th, 1854, entitled "An act to protect graves and grave-yards," is hereby so amended as to allow the surviving husband of a deceased wife to remove her remains, or that of any child or children of the marriage, from a private burying ground to a public cemetery; and he may take the same steps to effect the object desired by him as is provided in said section for entering upon the ground of any private grave-yard for making repairs.

<sup>1</sup> Stanton's Rev. Stat., p. 413.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

1861.

## CHAPTER 346.

AN ACT to amend first section of an act in relation to the duties of circuit clerks; An act to amend an act, approved the 2d day of March, 1860, entitled "An act in relation to the duties of clerks of courts in this Commonwealth."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 Session Acts,  
1859-60, p. 112.

§ 1. That for the services required to be rendered by the first section of said act, the clerks shall receive in each case the sum of fifty cents, to be taxed as other costs are taxed.

§ 2. This act to be in force after its passage.

Approved April 4, 1861.

## CHAPTER 347.

AN ACT to amend an act, entitled "An act to prevent the wanton destruction of fish in Green river and its tributaries."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1 Session Acts,  
1857-8, p. 56.

§ 1. That it shall not be lawful for any person or persons to stretch a set-net for the purpose of taking or catching fish in Green or Big Barren rivers, or any tributary of either of said rivers within five miles of the mouth of such tributary, above the junction of said rivers.

§ 2. Any person or persons offending against or violating the preceding section of this act, shall be subject to the same penalties imposed by the act to which this is an amendment, and the same may be recovered in the manner provided in said act.

Approved April 4, 1861.

## CHAPTER 348.

AN ACT relating to the circuit and quarterly courts held in the city of Newport, Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Campbell Circuit  
court.

§ 1. That hereafter the terms of the Campbell circuit court, held in the city of Newport, shall begin on the first Monday in February, and the Tuesday next succeeding the first Monday in August of each year, and may continue at the former eighteen and at the latter seventeen judicial days.

Campbell  
quarterly ct.

§ 2. The presiding judge of the Campbell county court shall hold four terms of the quarterly court for said county, in the city of Newport, in each year, commencing on the fourth Monday in March, June, September, and December, and continuing so long as the business of each term shall



require; and the records of said quarterly court, held at Newport, shall be kept in said city. 1861.

§ 3. This act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 361.

AN ACT legalizing certain surveys made by the surveyor of Clay county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all surveys made by the county surveyor of Clay county, in that portion of said county taken off by Jackson county, in pursuance of entries made and warrants purchased whilst said territory was in Clay, be, and the same are hereby, legalized, and shall answer every purpose as if they had been made by the surveyor of Jackson county.

§ 2. This act shall take effect from the time of its passage.

Approved April 4, 1861.

## CHAPTER 362.

AN ACT to define the powers of clerks of courts in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That if the clerk of any court shall receive money on any judgment or replevin bond in his office, in which he is not plaintiff, without a power of attorney from the owner of such judgment or replevin bond, or his agent or attorney, he shall be liable to a fine of not less than fifty nor more than five hundred dollars, to be recovered by indictment, one half to the use of any one who will become prosecutor.

Penalty on clerks for receiving money in their offices without power of attorney.

§ 2. This act shall not apply to cases in which clerks are at present authorized to receive money by special statute.

This act shall not apply to certain cases.

§ 3. This act shall take effect from and after the first day of July next.

Approved April 4, 1861.

1861.

## CHAPTER 370.

AN ACT to change the county line of Jackson and Rockcastle counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county line between Rockcastle and Jackson counties be so changed as to run from the State road, at the school-house near William Mullins', with the Jackson county road to Horse Lick creek; thence down said creek to its mouth, and to the present county line, including said boundary in Rockcastle county.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

## CHAPTER 372.

AN ACT allowing Larue county two additional magistrates and a constable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Two additional justices allowed.

§ 1. That there is hereby allowed to the county of Larue two additional magistrates and one constable, to reside in and be elected by the qualified voters of the Buffalo voting precinct or district.

§ 2. Said officers to be elected at the same time and at [in] the same [manner] that justices of the peace and constables are elected in this State.

To be furnished with books.

§ 3. The Secretary of State is directed to furnish the justices elected in said district, when elected, one copy of Stanton's Revised Statutes each, and a copy each with the Code of Practice.

§ 4. This act to take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 373.

AN ACT to amend the sixteenth section, article twelve, chapter eighty-three, Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ Stanton's Rev. Stat., p. 271. Cap. profine to operate as an execution against the property of defendant.

§ 1. That the sixteenth section of article twelve, chapter eighty-three, of Revised Statutes, be so amended as to make the *capias profine* authorized in the fifteenth section of said article operate as an execution against the property of defendant for the collection of the debt upon which it issued; and if so used, shall be returned as an ordinary execution is now returned.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

CHAPTER 375.

1861.

AN ACT in relation to county court clerks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That if any clerk of this Commonwealth, whose duty it is to return the commissioner's book, or a copy of the same, to the Auditor of Public Accounts, as now required by law, shall fail to do so, upon the application of the said Auditor, after the time has expired in which the law now requires such clerks to return the commissioner's book, or a copy thereof, such clerk, so failing and refusing, shall be guilty of a high misdemeanor, and shall be subject to a fine of not less than \$100 nor more than \$500; and for any such offense, such clerk shall be subject to an indictment by the grand jury of the Franklin circuit court, which court shall have jurisdiction of such offenses committed in any or all of the counties of this Commonwealth.

Penalty on clerks for failing to return com'ers books.

May be indicted in the Franklin circuit court.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 376.

AN ACT to amend the 1st section, 17th article, of the 28th chapter, Revised Statutes, entitled "Crimes and Punishment."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 1st section, of article 17, chapter 28, of Revised Statutes, be so amended as to allow juries, in the trial of all offenders under the provisions of said section, to either fine or imprison, or both, as they may prefer.

<sup>1</sup> Stanton's Rev. Stat., p. 397.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

CHAPTER 382.

AN ACT to change the county line of Barren and Monroe.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the line between the counties of Barren and Monroe be so changed as to include the residence of Conoway Carter in Monroe county.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

1861.

## CHAPTER 386.

AN ACT fixing the time of holding the quarterly courts of Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. that the terms of the quarterly courts of Carter county shall be held on the fourth Mondays in the months of May, August, November, and February in each year.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 396.

AN ACT requiring turnpike, toll-bridge, and plank road companies to declare semi-annual dividends.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

All toll bridge, turnpike, and plank road companies in which the State owns stock, to declare dividends in July and Jan. of each year, and pay over.

Penalty for failure.

§ 1. That the president and directors of all toll-bridge, turnpike, and plank road companies, in which the State is a stockholder, shall, within the months of July and January in each year, make or declare a dividend of the profits of such road, if any, and pay to the stockholders, when called for, the amount due them, and into the treasury of the State the amount due to the State, within twenty days thereafter.

§ 2. If the president and directors of any toll-bridge, turnpike, or plank road company, shall fail or refuse to perform the duties required by this act, they shall be fined in a sum not less than one hundred dollars each, and made jointly and severally liable therefor, recoverable by presentment or indictment, for the use of the State.

§ 3. This act takes effect from its passage.

Approved April 4, 1861.

## CHAPTER 399.

AN ACT explanatory of an act approved February 15, 1860, entitled "An act providing for a settlement with Newton Craig, late keeper of the penitentiary."

WHEREAS, Doubts have arisen, and do now exist, as to the proper construction of an act, entitled "An act providing for a settlement with Newton Craig, late keeper of the penitentiary," approved February 15, 1860; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it was and is the true intent and meaning of the aforesaid act, that the award of a majority of the arbi-

trators therein provided for, should, when made in accordance with the law, be binding and conclusive upon the parties to the action; and the said act shall be so construed by all courts and tribunals in this Commonwealth.

1861.

§ 2. That this act shall take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 405.

AN ACT supplemental to an act, entitled "An act for the appropriation of money," approved February 11th, 1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the officers and employees of the two Houses of this General Assembly shall be entitled to receive the same compensation for the present adjourned session, as provided in an act entitled "An act for the appropriation of money," approved February 11th, 1861; and that Senators and Representatives shall be entitled to mileage in going to and returning from this session, as provided by law for a regular session.

§ 2. That the following sums be, and they are hereby, appropriated for the benefit of the several persons named herein, to be paid out of any money in the treasury not otherwise appropriated, viz:

§ 3. To W. H. Keene, for bill of powder, for firing salutes on the 8th of January and the 22d of February, thirty-five dollars.

§ 4. To Sanford Goins, for preparing cartridges and firing salutes on the 8th January and 22d of February, 1861, sixty-five dollars.

§ 5. To William H. Averill, for bill of sundries, two dollars and twenty cents.

§ 6. To Gray & Todd, for bill of sundries, fifteen dollars and forty cents.

§ 7. To Samuel C. Bull, for bill of sundries, six dollars.

§ 8. To Greenup & Alley, for bill of sundries, one dollar.

§ 9. To Clinton McClarty, for money advanced by him for additional clerk hire for preceding session, four dollars and twenty-five cents.

§ 10. For additional clerk hire for the present session, such sum as may be necessary, the accounts to be certified by the principal clerks of the two Houses.

§ 11. To A. G. Hodges & Co., for the Daily Commonwealth, and to S. I. M. Major & Co., for the Daily Yeoman, one hundred dollars each.

1861.     § 12. To the Kentucky Penitentiary, for writing-table, eight dollars.
- § 13. To the Ministers of the different religious denominations of the city of Frankfort, fifty dollars, to be disbursed by the Sergeant-at-Arms of the Senate.
- § 14. To the publishers of the Louisville Journal, for advertising General Orders No 1, under the militia law of 1860, three dollars and fifty cents.
- § 15. To A. Conery, for balance of bill for clock for the Senate, forty dollars; and to J. M. Mills, for sundries, fifty cents.
- § 16. To Keenon & Gibbons, for bill of sundries, two dollars and fifty cents.
- § 17. To W. N. Robb, for bill of sundries, three dollars.
- § 18. That the same allowance is hereby made to the Clerks of the two Houses for arranging papers and preparing the acts for publication, as provided for the previous session in the act to which this is a supplement.
- § 19. To the clerk of the Committee on Enrollments of the two houses, three dollars per day during this session, and to the clerk of the Committee on Federal Relations, ten dollars, in full of his services as clerk of said committee.
- § 20. That the delegates to the border State Convention, for whose election provision has been made by act of the present session of the General Assembly, shall be entitled to the same compensation and mileage as members of the General Assembly, and that such sum as may be necessary is hereby appropriated to defray the incidental expenses of said convention, to be paid upon the warrant of the Auditor by order of the Governor.
- § 21. To S. C. Bull two dollars and fifty cents.
- § 22. To D. C. Barrett, fifty dollars, each, for making out index for Journals of the Houses, and for index to the private acts of this session.
- § 23. That the sum of one dollar and fifty cents be allowed John J. Roberts for the purchase of a book for the Committee on Enrollments.
- § 24. This act to be in force from its passage.

Approved April 4, 1861.

## CHAPTER 407.

AN ACT allowing the county court of Hickman county to increase the county levy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That section 1st, article 2d, chapter 26, of the Revised Statutes, be so amended as to allow the county court of Hickman county to raise the county levy to the sum of

<sup>1</sup> Stanton's  
Rev. Stat., p.  
296.

\$2 50 on each tithable in said county, for the purpose of building a jail in said county: *Provided*, Said levy shall not be laid on the citizens of said county for but one year. 1861.

Approved April 4, 1861.

# CHAPTER 415.

AN ACT to prevent judges of quarterly and county courts from practicing law in certain courts of their counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

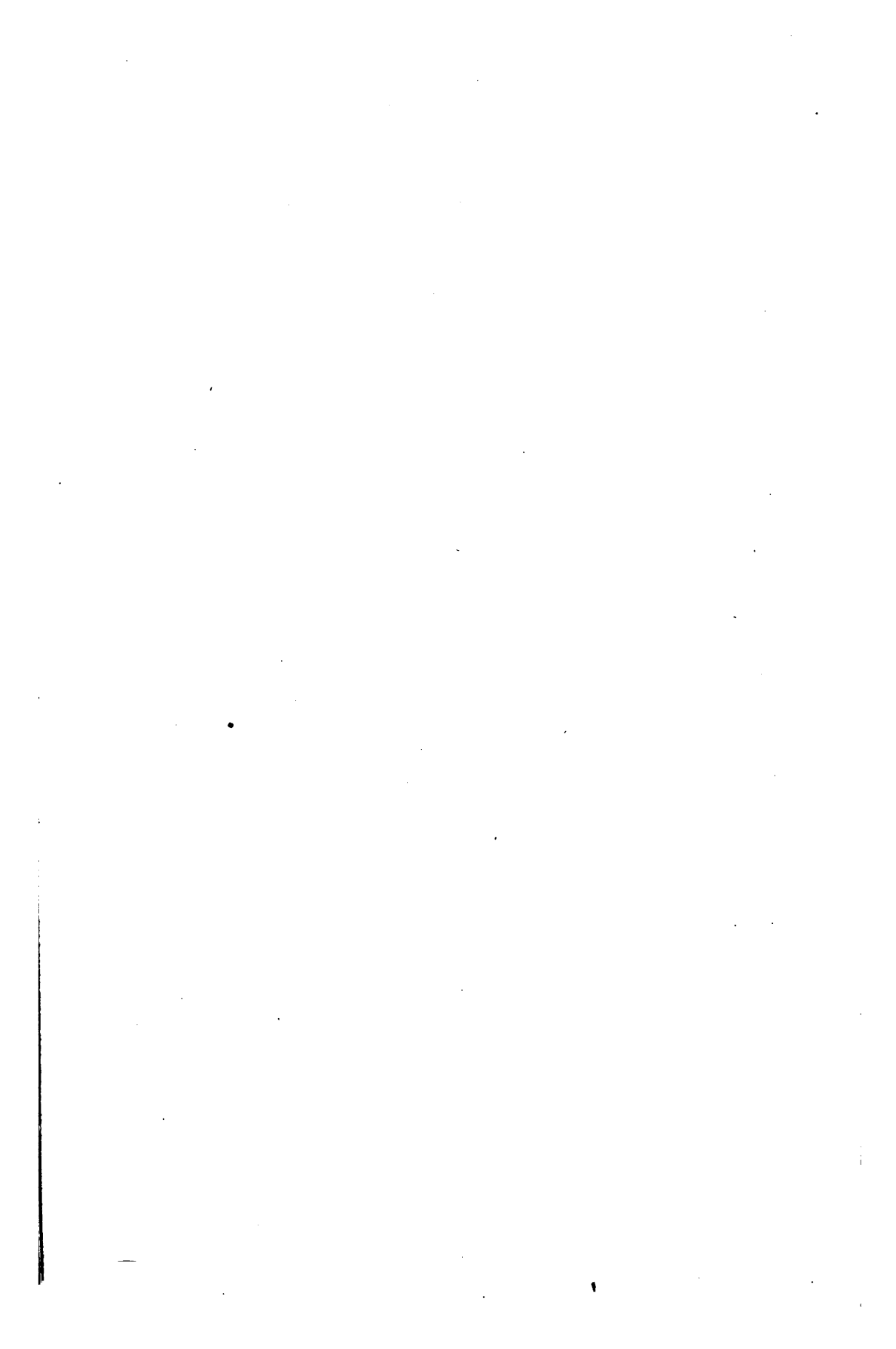
§ 1. That hereafter it shall not be lawful for the judges of the county and quarterly courts to draw any petition, bill, answer, or other pleadings in any proceeding in their own courts; nor shall he practice in any court from which an appeal may be taken to the quarterly court of the county; and for a violation of this act, such judge so offending shall be liable to indictment by the grand jury of his county, and subject to a fine, in the discretion of a jury, of not less than one hundred dollars for each offense.

County court judges prohibited from practicing law in certain courts.

Penalty for violation of this act.

§ 2. This act shall take effect from and after the 1st day of April next.

Approved April 4, 1861.





## RESOLUTIONS.

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### No. 1.

RESOLUTIONS recommending call for a Convention of the United States.

WHEREAS, The people of some of the States feel themselves deeply aggrieved by the policy and measures which have been adopted by the people of some of the other States; and whereas, an amendment of the Constitution of the United States is deemed indispensably necessary to secure them against similar grievances in the future; therefore,

1861.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That application to Congress to call a convention for proposing amendments to the Constitution of the United States, pursuant to the fifth article thereof, be, and the same is hereby, now made by this General Assembly of Kentucky; and we hereby invite our sister States to unite with us, without delay, in similar application to Congress.

*Resolved,* That the Governor of this State forthwith communicate the foregoing resolution to the President of the United States, with the request that he immediately place the same before Congress, and the Executives of the several States, with the request that they lay them before their respective Legislatures.

*Resolved,* If the convention be called in accordance with the provisions of the foregoing resolutions, the Legislature of the Commonwealth of Kentucky suggest for the consideration of that convention, as a basis for settling existing difficulties, the adoption, by way of amendments to the Constitution, the resolutions offered in the Senate of the United States by the Hon. John J. Crittenden.

Approved January 25, 1861.

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### No. 2.

RESOLUTIONS appointing Commissioners to attend conference at Washington city, February 4th, in accordance with the invitation of the Virginia Legislature.

WHEREAS, The General Assembly of Virginia, with a view to make an effort to preserve this Union and the Constitution in the spirit in which they were established by the

1861. fathers of the republic, have, by resolution, invited all the States who are willing to unite with her in an earnest effort to adjust the present unhappy controversies, to appoint commissioners, to meet on the 4th February next, to consider, and, if practicable, agree upon some suitable adjustment,

*Resolved*, That we hereby accept the invitation of our old mother Virginia, and that the following six commissioners, Wm. O. Butler, J. B. Clay, J. F. Bell, C. S. Morehead, Charles A. Wickliffe, and James Guthrie, be appointed to represent the State of Kentucky in the contemplated convention; whose duty it shall be to repair to the city of Washington, on the day designated, to meet such commissioners as may be appointed by any of the States in accordance with the foregoing invitation.

*Resolved*, That if said commissioners shall agree upon any plan of adjustment requiring amendments to the Federal Constitution, they be requested to communicate the proposed amendments to Congress for the purpose of having the same submitted by that body, according to the forms of that Constitution, to the several States for ratification.

*Resolved*, That if said commissioners cannot agree in an adjustment, or, if agreeing, Congress shall refuse to submit for ratification such amendments as they may propose, the commissioners of this State shall immediately communicate the result to the Executive of this Commonwealth, to be by him laid before this General Assembly.

*Resolved*, That in the opinion of the General Assembly of Kentucky, the propositions embraced in the resolutions presented to the Senate of the United States by the Hon. John J. Crittenden, so construed that the first article proposed as an amendment to the Constitution of the United States shall apply to all the territory of the United States now held or hereafter acquired, south of latitude thirty-six degrees and thirty minutes, and provide that slavery of the African race shall be effectually protected as property therein during the continuance of the Territorial Government, and the fourth article shall secure to the owners of slaves the right of transit with their slaves between and through the non-slaveholding States and Territories, constitute the basis of such an adjustment of the unhappy controversy which now divides the States of this Confederacy as would be acceptable to the people of this Commonwealth.

*Resolved*, That the Governor be, and he is hereby, requested to communicate information of the foregoing appointment to the commissioners above named at as early a day as practicable, and that he also communicate copies of the foregoing resolutions to the executives of the respective States.

Approved January 29, 1861.

## RESOLUTIONS.

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### No. 3.

1861.

RESOLUTION authorizing the Governor to draw appropriation for medals.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That to enable the Governor to execute the resolution of the General Assembly, at its last session, awarding medals to the surviving Kentucky Volunteers who participated in achieving the naval victory on Lake Erie, by the fleet of the United States, over that of Great Britain, on the 10th day of September, 1813, he is allowed to draw from the treasury the sum of four hundred dollars, from any moneys in the treasury not otherwise appropriated.

Approved January 29, 1861.

### No. 4.

RESOLUTION providing compensation for Commissioners to Washington city.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer, in favor of Charles S. Morehead, Joshua F. Bell, James Guthrie, Charles A. Wickliffe, James B. Clay, and William O. Butler, for the sum of five hundred dollars each, for compensation and expenses as commissioners of this State to Washington city, in reference to amendments to the Constitution of the United States.

Approved February 1, 1861.

### No. 5.

RESOLUTION declaring further action by the Legislature on political affairs unnecessary and inexpedient at this time.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the people of Kentucky view, with the most lively apprehension, the dangers that now environ the Union and threaten its perpetuity.

*Resolved,* That we appeal to our southern brethren to stay the work of secession—to return and make one mighty effort to perpetuate the noble work of our forefathers, hallowed by the recollections of a thousand noble deeds.

*Resolved,* That we protest against the use of force or coercion by the General Government against the seceding

## RESOLUTIONS.

1861. States, as unwise and inexpedient, and tending to the destruction of our common country.

*Resolved*, That as this General Assembly has made an application to Congress to call a National Convention to amend the Constitution of the United States, and requested the Legislatures of all the other States to make similar applications, and has appointed Commissioners to meet those which have been appointed by the State of Virginia, and such as may be appointed by other States, at a designated time and place, to consider, and if practicable, agree upon some suitable adjustment of the present unhappy controversy, it is unnecessary and inexpedient for this Legislature to take any further action on this subject at the present time; and as an evidence of the sincerity and good faith of our propositions for an adjustment, and our expression of devotion to the Union, and desire for its preservation, Kentucky awaits with deep solicitude the responses from her sister States.

Approved February 11, 1861.

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No. 6.

RESOLUTIONS upon the death of the Hon. Robert P. Letcher.

His Excellency, the Governor of this Commonwealth, having communicated to this General Assembly intelligence of the death of Hon. Robert P. Letcher, late Governor of this Commonwealth,

*Resolved*, That it is with profound grief that the General Assembly has received this information. He was distinguished for his patriotism, his eminent public services as a member of Congress, as Governor of Kentucky, and as Minister to Mexico. By his death Kentucky has been deprived of a citizen who filled the high offices conferred upon him by the people of Kentucky, and the national government, with eminent ability, and with distinguished honor to his country.

*Resolved*, That the General Assembly will meet at the Capitol at 2 o'clock this evening, and in a body attend his funeral; that the Speaker of this House appoint twelve, and the Speaker of the Senate six pall bearers, to attend his body to the grave; that we wear the usual badge of mourning for thirty days.

*Resolved*, That we do now adjourn.

Approved February 11, 1861

## RESOLUTIONS.

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### No. 7.

1861.

#### RESOLUTION concerning Geological Survey.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Attorney General of the State of Kentucky be, and hereby is, empowered and directed forthwith to adopt such measures, by suit or otherwise, as in his judgment shall be proper to obtain for the State the immediate possession of the geological specimens, minerals, &c., in possession or under the control of the late D. D. Owen, State Geologist, at the time of his death, and which are the property of this State; and that said Attorney General report his proceedings at the next term of this General Assembly.

Approved February 14, 1861.

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### No. 8.

#### RESOLUTION on adjournment.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That this General Assembly will adjourn on the 11th day of the present month, at 12 o'clock, M., to meet again at this place on the 20th day of March next.

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### No. 9.

#### RESOLUTION requesting Governor to return the bill to incorporate the Planters' Bank of Henderson.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Governor of this Commonwealth be, and he is hereby, requested to return to this Assembly an enrolled bill, entitled "An act to incorporate the Planters' Bank of Henderson," and the Committee on Enrollments be directed to correct the enrollment of said bill.

Approved March 26, 1861.

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### No. 10.

WHEREAS, The following amendment to the Constitution of the United States has been proposed by Congress to the Legislatures of the several States for their ratification, viz: "No amendment shall be made to the Constitution which

## RESOLUTIONS.

1861.

will authorize or give Congress power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State." And whereas, said proposed amendment is not, and ought not to be, accepted by Kentucky as a final settlement of existing difficulties; yet, as an evidence of our sincere desire to provide by constitutional enactments against all pretexts for agitation of the distracting and dangerous question of African slavery, in any of its forms, be it therefore

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the aforesaid proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by this Legislature.

*Resolved,* That the Governor of this State be, and he is hereby, directed to forward a copy of these resolutions, and the preamble thereto, to the President of the United States, with a request that he will communicate the same to Congress when it next convenes.

Approved April 4, 1861.

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No. 11.

WHEREAS, The common school system, by the numerous amendments which have, from time to time, been made to the common school laws, whereby said laws have become confused and complicated; and whereas, many abuses are practiced, whereby the State is frequently compelled to duplicate the amount due districts which have, through carelessness or otherwise, failed to report in time, and thereby require special legislation; frequent discrepancies occur between the reports of the assessors and county commissioners in their reports as to the number of scholars, in consequence of which some districts receive double pay for the number of scholars taught; therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Superintendent of Public Instruction be, and he is hereby, authorized and directed to digest the school laws of this Commonwealth, and to make such suggestions as may be necessary to carry the school system into effect more perfectly, and to suggest such plan or amendment as in his opinion will provide some effective remedy for the prevention of the immense quantity of legislation now necessary upon this subject, and report to the next General Assembly the result of his labors and investigations.

Approved April 4, 1861.

RESOLUTIONS.

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No. 12.

1861.

RESOLUTION for final adjournment of the General Assembly.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the present session of the Legislature will adjourn *sine die* on Thursday, April 4th, 1861, at the hour of 12 o'clock, M.

Approved April 4, 1861.





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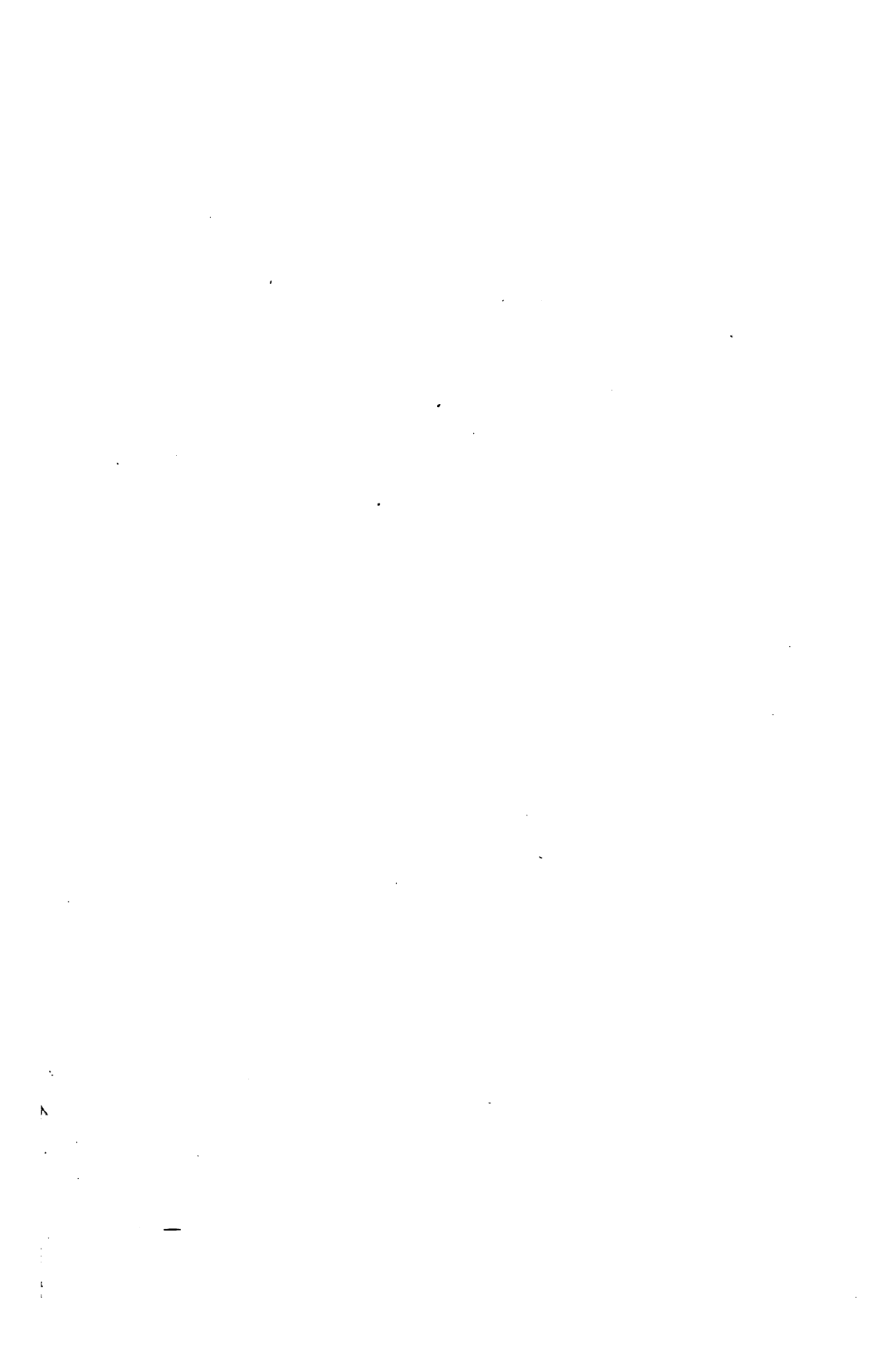
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## LOCAL AND PRIVATE ACTS

# THE STATE OF KENTUCKY,

PASSED AT THE CALLED SESSION, WHICH WAS BEGUN AND  
HELD IN THE CITY OF FRANKFORT, ON THURSDAY,  
THE 17<sup>TH</sup> DAY OF JANUARY, 1861.

---

BERIAH MAGOFFIN, *Governor.*

THOS. P. PORTER, *Speaker of the Senate.*

DAVID MERIWETHER, *Speaker of the House of Reps.*

THOS. B. MONROE, JR., *Secretary of State.*

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### CHAPTER 2.

AN ACT to incorporate the Salvisa and Kirkwood turnpike road company.

WHEREAS, A company was organized by the Mercer county court, under the provisions of the general laws, by the name and style of the Salvisa and Kirkwood turnpike road company, for the purpose of constructing a turnpike road in said county, to commence at Salvisa and run a westerly course to the line dividing Anderson and Mercer counties, and by a branch road to a point near Kirkwood meeting-house; and said company having elected W. W. Kennedy, Felix G. Matheny, Jesse S. Burrus, William Burford, and John McAfee, at a meeting held on the — day of November, 1859, as a board of managers for said road, and having received subscriptions of stock, releases of right

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of way, let out to contractors a part of said road, and done other acts to carry out the objects of said organization, and said company desiring an act of incorporation; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Created body  
politic, and cor-  
porate powers.

§ 1. That said company is hereby created a body politic and corporate, under the name and style of the "Salvisa and Kirkwood turnpike road company," for the purpose of constructing a turnpike road in Mercer county, to commence at the town of Salvisa and run a westerly course to Bell's shop, and forking—one fork continuing on to the dividing line between Anderson and Mercer counties, the other to a point near the Kirkwood meeting-house; and the organization of said company heretofore made, the subscription of stock, releases of right of way, the contracts made by said company and the board of managers, and all other acts of said company and board for said organization, and to carry out its objects, are hereby legalized and held to be valid as if done under the provisions of this act.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; and said stock shall be paid in such installments and at such times as may be required by the board of managers.

Board of man-  
agers.

§ 3. The persons mentioned in the preamble to this act shall continue as the board of managers of said road until their successors are elected and qualified; and a like board of managers shall be elected annually on the first Saturday in November of each year: *Provided*, That if, from any cause, said election should not take place at the time specified, it shall be held on the first Saturday of the month next thereafter: *And provided further*, That all vacancies which shall take place in said board, from death or other cause, shall be filled by the remaining members thereof.

Officers to be  
elected.

§ 4. Said board shall elect one of their number as chairman, and such other officers as they may deem proper for the business of said company.

Stock—how  
voted.

§ 5. Each stockholder shall be entitled to a vote for each share of stock owned by said stockholder; and all votes may be cast in proper person or by written proxy, and in no other way.

Width and  
grade of road.

§ 6. The whole width of said road shall be not less than forty feet, and the part covered with stone sixteen feet, and the elevation at the grade of said road shall be fixed and regulated by said company.

Rates of toll,  
and when gates  
may be erect'd.

§ 7. The rates of toll on said road shall be the same as now regulated by the general laws. When two and a half miles of said road are finished and ready for use, said com-

pany may establish a toll-gate, not to be nearer than half a mile of Salvisa, and the toll charged shall be in the proportion that its length bears to five miles; and when said road is completed beyond five miles, the toll for the fraction of a mile or more less than five miles, may be charged at the gate next thereto for the fraction.

1861.

§ 8. Said company shall possess all the powers, authority, rights, and privileges, and may do and perform all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, if any, under the general laws now in force, except where they conflict with the provisions of this act.

Corporate powers.

§ 9. It may be lawful for the judge of the Mercer county court, a majority of the justices of the peace of said county concurring, to subscribe and take stock in said road, and to appropriate the dividends arising therefrom to lessening the levy of the county: *Provided*, The subscription of stock so made shall not exceed the sum of one thousand dollars per mile of said road.

Mercer county may take stock.

§ 10. Each and every stockholder in said road shall be exempt from working, or furnishing hands to work, on any other road in Mercer county, to the extent of one hand for each share of stock they may have in said road.

Stockholders exempt from working other roads.

§ 11. When said road is finished to the Kennedy Mill bridge, it may be lawful for the judge of the Mercer county court to pass the control of said bridge to said company, with the consent of a majority of the justices of the peace.

Kennedy Mill bridge to pass to control of company.

§ 12. When default is made in the payment of stock, the by-laws of said company may authorize a forfeiture of the same; but said forfeiture shall not exonerate the subscriber from the payment of his whole subscription, but he shall be liable therefor.

Stock may be forfeited.

§ 13. All fines and forfeitures imposed for a violation of the laws in relation to turnpike roads shall be for the use and benefit of the company.

Fines, &c., for use of comp'y.

§ 14. Whenever sufficient stock is taken for the purpose, it may be lawful for said company to extend said road to Duncansville, or to any point between there and Kirkwood meeting-house.

Road may be extended.

§ 15. The said board of managers is allowed to continue by the survey and location already made, or may make such alterations in the same as to them may seem best for said company.

§ 16. Subscriptions of stock having been made for that part of said road from Salvisa to Bell's shop, and from Bell's shop to the county line, and from said shop to a point near Kirkwood meeting-house, the board of managers are hereby authorized to lay out and expend said stock so sub-

## LAWS OF KENTUCKY.

1861. scribed upon that one of the said parts of said road for which said stock was intended.

§ 17. This act to be in force from its passage.

DAVID MERIWETHER,

*Speaker of the House of Representatives.*

THOMAS P. PORTER,

*Speaker of the Senate.*

Approved January 24, 1861.

B. MAGOFFIN.

By the Governor:

THOS. B. MONROE, JR., *Secretary of State.*

## CHAPTER 3.

AN ACT to amend an act incorporating the Lexington and Winchester turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it shall be lawful for the president, directors, and company of the Lexington and Winchester turnpike road, in their corporate capacity, to subscribe for twenty-two shares of stock in the Kentucky river turnpike road, and pay the amount of said subscription out of any money arising from tolls on said road, after defraying the costs of repairs and other current expenses of said road: *Provided*, That the private stockholders of the city of Lexington and the county of Fayette sanction the same: *And provided further*, That no money be paid on the stock so taken until said Kentucky river turnpike road be finished to the Kentucky river, (a distance of about ten miles,) and two gates be erected thereon by said company.

[This bill passed at the December session, 1860, but was not approved by the Governor, and it not being returned to the House in which it originated, at the called session, within the time prescribed by the Constitution, it thereby became a law on the 20th day of January, 1861.]

## CHAPTER 6.

AN ACT for the benefit of William M. Edrington, as administrator of William Phillips, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Wm. M. Edrington, as the administrator of Wm. Phillips, deceased, may, after making a settlement of the estate of said decedent with the judge of the Green county court, report the balance in his hands found to be

due the said estate upon said settlement, with all other property and assets in his hands, to the Taylor county court; and that it shall be legal for said administrator thereafter to settle his accounts with the judge of the Taylor county court as now required by law.

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§ 2. That said administrator shall have certified copies of the former settlement of said estate, that have been made by the commissioners and county judge of Green county, filed with his report to the Taylor county court; and that said administrator shall have a certified copy of the will of said decedent recorded in the Taylor county court, and that a copy of this act be filed with the papers and record of the estate in the office of the Taylor county court.

Approved January 26, 1861.

## CHAPTER 8.

AN ACT to incorporate the Louisville Union Benevolent Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Frank Carter, Jesse K. Bell, D. S. Benedict, B. C. Levi, J. M. Moore, E. L. Huffman, Harry I. Spotts, E. T. Sturgeon, Charles H. Meekin, Silas F. Miller, and Z. M. Shirley, and their associates and successors, be, and they are hereby, created and constituted a body corporate, under the name and style of the Louisville Union Benevolent Association, to have perpetual succession.

Corporators' names.

§ 2. Said association shall afford relief and assistance to its members in cases of sickness or disability to work, and also to the families of deceased members.

Objects of incorporation.

§ 3. They shall be capable of suing and of defending; may have a common seal; and may acquire and hold estate, real, personal, and mixed, and the same to exchange, sell, mortgage, transfer, pledge, or otherwise dispose of, as they shall deem expedient; and may invest their funds in public or private securities, or loan the same in like manner.

Corporate powers.

§ 4. They may create a fund by initiation fees, dues, contributions, or otherwise; and may adopt such rules for their mutual interest as individuals and as common carriers as to them shall seem proper and promotive of mutual confidence and good will; and may recover all such fees, fines, or contributions, as any member may be liable by the terms of their by-laws to pay, in the same manner as other debts due to the association.

May create fund, rules, &c.

§ 5. The affairs of the association shall be governed by a board of seven directors, who shall be elected annually,

Board of directors.

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and until their successors are appointed; and said board shall elect one of their number as president; they shall appoint such officers as may be necessary to conduct the affairs of the association; they shall have the general management of the business of the association, and power to enforce its rules and by-laws.

May make by-laws.

§ 6. The said association shall have power to make by-laws for their government, and for prescribing the terms of admission and continuance of members: *Provided*, Such by-laws shall not be repugnant to the laws and constitution of the Commonwealth.

§ 7. This act to take effect from its passage.

Approved January 26, 1861.

## CHAPTER 9.

AN ACT to amend an act incorporating the Hardinsburg and Cloverport turnpike road company, approved February 23d, 1860.

WHEREAS, The act of the General Assembly above referred to, has been found to be deficient in many particulars and incorrect in others; so much so, in fact, that the president and directors of said road were compelled, in furtherance of the objects of said act, to depart at times from the letter of said charter, and where the same totally failed, to supply the deficiency; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Acts of president and directors legalized.

§ 1. That all of the actings and doings of the said president and directors in relation to said road, whether the same were in the manner of receiving subscriptions, in letting the road, in reducing or enlarging the grading, metaling or clearing the same, in making the calls on stockholders, or in any other of their actings or doings in the business of the road, be, and the same are hereby, declared legal to all intents and purposes, and as binding upon them, upon contractors, stockholders, and others, as though the said charter had been complete, and their actings and doings in strict conformity to it.

§ 2. That the said charter be amended and enlarged in the following particulars, to-wit:

Width of road.

1. That the said road may be cleared any width determined on by the board of directors, not exceeding at any place seventy-five feet.

Depth of metal

2. That the depth of metal may be increased by the said board where they may deem it necessary, as much as to make the whole depth fifteen inches, and at such points on the road as they may deem it advisable.

3. That where the right of way through lands has been or may be hereafter acquired or condemned by the said company for the passage of said road, the said directory may appropriate so much of the lands as they may deem necessary for the location of said road, and no more, not to exceed seventy-five feet in width.

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May appropriate lands, &c., when right of way is obtained.

4. That so much of an act, entitled "An act to incorporate the Danville and Hustonville turnpike road company," approved March 1, 1844, so far as the same is applicable hereto, and does not come in conflict with the provisions of this or the original charter, be, and the same is hereby, declared a part of this charter, and as binding and obligatory upon all persons as if its provisions were set out herein specifically.

Certain portions of another charter made applicable.

5. That the length of the road having been ascertained to be a fraction over ten and a half miles, the said board may, when the road is completed; erect one, two, or three toll-gates, as they may prefer; *Provided*, That the same are distant from each other at least four miles.

Gates to be erected.

§ 3. This act shall take effect from and after its passage.

Approved January 29, 1861.

## CHAPTER 10.

AN ACT to incorporate the Frakes and Hildreth turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby incorporated and created a body politic, under the name and style of the Frakes and Hildreth turnpike road company, with a capital stock not to exceed ten thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a turnpike road from a point in Bourbon county, on the Flat Rock and Paris turnpike road, near John Frakes', upon the most eligible route to the Millersburg road, near the mouth of the same; and said company by that name shall have perpetual succession; may sue and be sued; plead and be impleaded; contract and be contracted with; may have a common seal, and alter and amend the same at pleasure; may acquire by purchase, or by writ of *ad quod damnum*, the right of way for its road upon the route it may adopt, ground for the residence of toll-gate keepers, and such rock, timber, and quarries as may be necessary in the construction and repair of their road.

Name and style, and corporate powers.

§ 2. Jos. Hildreth, Wm. Colcord, and Hiram Roseberry are appointed commissioners, any of whom may open books for the subscription of stock to said road; and the obligations of subscribers thereto shall be binding in law upon said subscribers.

Commrs to open books.

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When president and directors elected.

Term of office.

When officers elected.

Treasurer to give bond.

Width of road.

Who to manage business.

When gate erected.

May make by-laws.

§ 3. Whenever the sum of two thousand dollars shall be subscribed in stock, said commissioners, or any two of them, may call a meeting of such subscribers, to be held at such time and place as they may designate; and at such meeting a president and three directors shall be chosen, and said president and directors shall appoint a treasurer. All said officers shall hold their offices for one year, and until their successors are chosen. A meeting of the stockholders for the election of officers shall be held each year, either at the same time and place as the first meeting, or at such other time and place as may be designated by the directory; and at all elections of said company each stockholder shall have one vote for each share of stock he may hold, which vote he may cast either in person or by written proxy.

§ 4. The treasurer, before he enters on the discharge of his duties as such, shall execute a bond with approved security, conditioned that he will faithfully discharge the duties of his office, and pay over all sums that may come into his hands upon the order of the directory.

§ 5. The width of said road shall not be more than thirty feet, and of the metal part of it not less than twelve feet.

§ 6. All the business affairs of said company shall be under the control of the president and directors.

§ 7. When said road is completed, said company may erect a toll-gate at such point thereon as they may prefer, and may charge and receive toll at the same; but no person traveling on said road shall be charged toll bearing a greater proportion to the rates prescribed in chapter 103 of the Revised Statutes than the distance he may travel thereon bears to the distance of five miles.

§ 8. The president and directors may make such by-laws for the management of the affairs of their road as they may deem necessary: *Provided*, That the same are not inconsistent with this act or the constitution and laws of the State.

§ 9. This act shall take effect from and after its passage.

Approved January 29, 1861.

### CHAPTER 11.

AN ACT to change the line of an election district in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the line of election district No. 4, in the county of Harrison, be so changed as to include within said district the residence of Amos D. Baless.

§ 2. This act shall take effect from its passage.

Approved January 29, 1861.



## LAWS OF KENTUCKY.

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### CHAPTER 13.

1861.

AN ACT relating to the voting places in Radford's precinct, in Calloway county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the present place of voting in Radford's precinct, in Calloway county, be, and the same is hereby, removed from the house of Joseph N. Radford to Brinkley's store, in said district.

§ 2. That there is hereby established an additional voting place in said district, at Wadesboro, at which place any or all legal voters of said district may cast their votes in any election hereafter held therein.

§ 3. This act shall take effect from its passage.

Approved January 29, 1861.

### CHAPTER 14.

AN ACT further to amend the law in relation to the Whitley road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the fifth section of an act of the General Assembly, approved February 15th, 1858, entitled "An act to relocate the State road in Whitley, and erect a toll-gate thereon," be so amended as to require the Laurel and Whitley county courts, at their next annual court of claims, to levy a sufficient county tax in the respective counties, to pay for the construction of such bridges on said road as either court shall have ordered to be built; and that the amount thus required to be raised shall be levied and collected equally off each county; and that so soon as said road shall be completed in such manner as to authorize the erection of a gate thereon, and sufficient funds shall be collected from the gate, it shall be applied in refunding to each of said counties the amount they may have respectively paid under the operations of this act.

§ 2. This act shall take effect from its passage.

Approved January 29, 1861.

### CHAPTER 15.

AN ACT to establish an additional justices' district in Jefferson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Fisherville district, No. 16, in the county of Jefferson, is hereby entitled to two magistrates and one

1861. constable, who shall be elected and qualified according to law.

§ 2. This act to take effect from and after its passage.

Approved January 29, 1861.

## CHAPTER 16.

AN ACT to amend the charter of the Stamping Ground and Lecompt's Run turnpike.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the 8th section of the act, entitled "An act to incorporate the Stamping Ground and Lecompt's Run turnpike road company," approved February 16th, 1858, be so amended as to allow said company to erect a toll-gate and charge tolls whenever three contiguous miles of said road shall be completed.

Approved January 29, 1861.

## CHAPTER 17.

AN ACT to incorporate the Odd Fellows' Hall Association, of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Body politic  
and corporate  
powers.

§ 1. That Samuel Coggashall, on behalf of the officers and members of Boone Lodge, No. 1; A. B. Dean, on behalf of the officers and members of Chosen Friends Lodge, No. 2; George Brobson, on behalf of the officers and members of Loraine Lodge, No. 4; Anton Kehlet, on behalf of the officers and members of Herman Lodge, No. 17; Geo. W. Morris, on behalf of the officers and members of Azur Lodge, No. 25; William McFadden, on behalf of the officers and members of Marshall Lodge, No. 29; Alvin Wood, on behalf of the officers and members of Fonda Lodge, No. 48; George Gutig, on behalf of the officers and members of Schiller Lodge, No. 60; James Deitz, on behalf of the officers and members of Corinthian Lodge, No. 74; R. L. Post, on behalf of the officers and members of Mount Horeb Encampment, No. 11, and Alvin Foskett, on behalf of the officers and members of Amnon Encampment, No. 11, and such other lodges and encampments of the Independent Order of Odd Fellows now existing, or which may hereafter be created, in said city, and apply to the above named lodges and encampments for, and be admitted to a participation in, the benefits and privileges of this act of incorporation by them or a majority of them, be, and they are hereby, created a body corporate, under the name and style

of The Odd Fellows' Hall Association of Louisville; and they, with their associates and successors, shall so continue and have perpetual succession; and by that name are hereby made capable in law, as natural persons, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to answer and be answered, in all courts of law and equity in this Commonwealth and elsewhere; to make, have, and use a common seal, and the same to break, alter, or change at pleasure.

1861.

Name & style.

§ 2. The corporation shall have the right to take and hold, by purchase, gift, or devise, real and personal estate, not exceeding the sum of one hundred thousand dollars, to dispose of and convey the same at pleasure, and that the act for the benefit of the Grand Lodge of Kentucky, I. O. O. F., approved January 9th, 1860, shall be applicable to this corporation.

May take and hold real estate.

§ 3. The business of said corporation shall be under the control and management of one member, to be elected by each of said lodges and encampments forming said corporation, who shall be styled the board of managers; and their duties shall be such as shall be prescribed by a majority of the stockholders; said stock to be in shares of one hundred dollars each; and said board of managers shall have power to make by-laws, rules, and general regulations for their government, subject to the approval of a majority of the stockholders of this corporation. They shall also have the power to elect, from their own number, a president, vice president, and treasurer, who shall hold their offices for one year from the date of their election, and until their successors shall be elected and qualified; also to appoint a secretary, who shall perform such duties as may be required by the by-laws.

Who manage and control.

§ 4. That it shall be lawful for the president of the board of managers, a majority of the stockholders concurring, to sell and convey any real estate belonging to said corporation, and that the signature of the president and secretary, with the seal of the corporation affixed, shall make such conveyance valid.

\* May sell and convey real estate.

§ 5. This act shall take effect from and after its passage.

Approved January 29, 1861.

## CHAPTER 18.

AN ACT for the benefit of the common schools of Shelby, Knox, and Webster counties.

WHEREAS, The school commissioner for the county of Shelby, in compliance with an act, approved February 22d, 1860, entitled "An act for the benefit of common school districts," made up and mailed to the Superintendent-

1861. ent of Public Instruction, on the 15th day of October, 1860, a report compiled from the reports of the trustees of common school districts in said county, made (to the commissioner) prior to the 1st day of October, 1860; and whereas, the Superintendent of Public Instruction construes the said act to mean that the commissioner should make up and mail his report to the Superintendent prior to the 1st day of October, 1860; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That those common school districts in Shelby county which made reports to the commissioner for said county, in compliance with the above mentioned act of the General Assembly, and which are included in the said report of the commissioner to the Superintendent, are entitled to receive the money due them from the school funds belonging to the State.

§ 2. The provisions of this act shall apply to Knox and Webster counties.

Approved January 31, 1861.

## CHAPTER 19.

AN ACT to incorporate Bell City, in the county of Crittenden.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary of town. § 1. That Bell City, in the county of Crittenden, be, and the same is hereby, incorporated, embracing the following boundary, to-wit: Commencing at the corner of R. N. Walker's farm, on the Ohio river; thence up said river to the corner of John R. Clement's tract of land; thence with Clement's line south ten east one mile to a stake; thence south eighty west to Samuel Nunn's tract of land; thence to the beginning.

Who conduct first election. § 2. That J. G. Young, B. F. Reede, and H. L. Yeakey, or any two of them, are hereby appointed judges to conduct the first election for officers of said town, who, after having taken an oath to discharge their duty faithfully and impartially, shall, on the 1st Monday in August, 1861, after having given three days notice, posted at two or more conspicuous places in said town, and having appointed all other officers to conduct said election, proceed to the election of five trustees of said town, also a police judge and town marshal.

Officers--when elected. § 3. That the election of all officers of said town shall take place on the first Monday in August in each year, except police judge and town marshal, who shall hold their office for four years; and all of the said officers shall hold

their respective offices until their successors are duly elected and installed.

1861.

§ 4. The poll-book of the election shall be returned by said commissioners to the judge of the Crittenden county court, at the first term after said election, and the result shall be certified by the county judge of said court to the Secretary of State, and the Governor of this Commonwealth shall issue a commission to that person who may be elected to the office of police judge.

Poll-book returned to co'ty court clerk.

§ 5. The police judge, trustees, and all other officers, shall take an oath of office, and all other oaths required by the Constitution of the United States and the Commonwealth of Kentucky that such officers are required to take, before they enter on a discharge of the several duties of their respective offices; and the police judge shall have jurisdiction within said town of all civil causes to the extent of a justice of the peace, and in all criminal causes committed within said town the same jurisdiction of a county judge, and shall have jurisdiction of all misdemeanors committed against the statute laws of this Commonwealth, or violations of the rules, ordinances, or by-laws of said town that may be hereafter made, and may enforce his judgments by execution; and for such service he may charge and collect such fees as is allowed by law to justices of the peace for like service; he shall have power to hear and determine all suits, motions, or complaints against all officers of said town for any omission of duty by any person aggrieved, and appeals may be taken from the judgment of said police judge, under the same rules and regulations as is prescribed by law for appeals from a justice of the peace.

Officers to take oath.

Jurisdiction of police judge.

§ 6. That the marshal of said town shall enter into bond and approved surety in the Crittenden county court, and take the oath of office, and also all the oaths required to be taken by a constable, and shall have the same powers, and perform the same duties of a constable (upon all causes originating in said town, and) upon all orders or executions that may be issued by the police judge of said town, and be subject to the like penalties of a constable for any omission of duty.

Marshal to give bond—his powers, &c.

§ 7. That the powers and duties of the trustees of said town shall be the same as is prescribed by articles 3 and 4 of chapter 100 of the Revised Statutes.

Powers of trustees.

§ 8. That the owners of real estate within the limits of said town, and all white male citizens of said town resident sixty days before any election, being naturalized citizens, shall have the right to vote for the officers of said town at each annual election.

Whom may vote.

§ 9. This act shall be in force from its passage, the Legislature reserving the power to change or abolish it.

Approved January 31, 1861.

1861.

## CHAPTER 20.

AN ACT to amend the charter of the Deposit Bank of Cynthiana.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 28th section of an act, approved 27th February, 1856, to incorporate the Deposit Bank of Cynthiana, be, and is hereby, repealed.

§ 2. That no one company, individual, or corporation shall be allowed to hold more than one hundred shares of the capital stock of said institution, either in their own names or the names of others, to transfer them; and all stock that any company, individual, or corporation shall take or hold contrary to this provision, shall be forfeited to the institution for the benefit of the other stockholders.

Approved January 31, 1861.

## CHAPTER 21.

AN ACT to authorize persons to make tunnels in the county of Whitley.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all persons in the county aforesaid shall have the right to have tunnels made in said county, when it shall be necessary to enable them to reach their lands for the purpose of procuring and working the minerals contained in the same: *Provided*, That any person desiring the benefit of this act, shall first apply to the county court of said county to have viewers appointed to view the proposed way of any such tunnel; and said application shall be conducted in all respects, and subject to the privileges and restrictions now existing, in relation to the opening and establishing public roads in this Commonwealth.

§ 2. This act shall take effect from the time of its passage.

Approved January 31, 1861.

## CHAPTER 22.

AN ACT for the benefit of John P. McLaughlin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum of ninety-one dollars and thirty cents in favor of John P. McLaughlin, of Kenton county, for services rendered and money expended by him in pursuing and

arresting, at Logansport, Indiana, Hiram Alexander, a fugitive from justice, and returning him to Kenton county for trial.

1861.

§ 2. That this act shall take effect from its passage.

Approved February 1, 1861.

## CHAPTER 24.

AN ACT to incorporate the United Irish Association of Maysville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thomas Nicholson, A. J. Newel, Thomas McClosky, and P. J. Rogers, and their associates, be, and they are hereby, created a body corporate, by the name of "United Irish Association;" and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to have, make, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and may change the same at pleasure: *Provided*, They are not in contravention of the constitution and laws of the United States of America or of the State of Kentucky.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding ten thousand dollars in value, for the uses and purposes of the association; and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and re-invest and dispose of the proceeds.

§ 3. The Legislature reserves the right to alter, amend, or repeal this act.

§ 4. This act shall take effect from its passage.

Approved February 5, 1861.

## CHAPTER 25.

AN ACT for the benefit of the Taylorsville and Mount Eden turnpike road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Spencer county shall appoint a competent engineer to survey a route for a turnpike road from Taylorsville to Mount Eden, in Spencer county, to be located upon or along the present public road, (via William Hobbs',) between said towns, where the grade does

Engineer appointed.

1861. not exceed four degrees, or as nearly upon the ground occupied by the said road as can be done, taking into consideration the grade, public convenience, and the cost of making said road.

§ 2. That the engineer aforesaid shall report in writing to the county court of Spencer county, (to be filed among the records of said court,) the route located by him for the construction of said turnpike, giving courses and distances. He shall report upon whose land each departure from the present road may be made, the quantity of land owned by each person necessary for its location, and the probable cost of said road when completed. He shall have power to take written acknowledgments to himself for the benefit of said company of the right of way for the said road, and the right to stone and other material necessary for the construction of said road, with the privilege of access to the same, either to the company or any of its agents or employees.

§ 3. The county court of Spencer county, upon being petitioned in writing so to do, by a majority of the persons owning land within one mile of said route, to be located as aforesaid, may levy a tax to be used for the construction of said turnpike road of one dollar per acre for every acre of land lying within one mile of said route to be located, to be paid by the owners of the land aforesaid in proportion to the number of acres they own within the limits aforesaid; and the said county court shall have the power, and it is hereby made the duty of said court, to cause to be ascertained at the earliest convenient period, to whom the lands belong within one mile of said proposed road, and in what quantities; but it is provided that the citizens of Taylorsville and Mount Eden, unless they own lands lying without the corporate limits of said towns, and within the bounds prescribed, are not to be petitioners nor to be taxed; nor are the lands lying south of Salt river and west and north of Brashear's creek to be taxed; nor the lands lying between Brashear's creek and the corporate limits of Taylorsville; nor the lands of Hector Harp and Thomas Crutcher and Abram Meeks, to be included in said tax.

§ 4. The tax aforesaid shall be divided into two equal annual payments, fifty cents per acre to be collected the first year and the balance the second year; and should any of the lands within the boundary aforesaid be disposed of within the periods fixed for the levy and collection of said tax, the purchaser of the lands so sold shall become responsible for the unpaid tax to the lands purchased by him within one mile of said proposed road.

§ 5. It is hereby made the duty of the Spencer county court to cause the clerk thereof to make out and deliver to the sheriff of Spencer county, and take his receipt there-

Engineer to report to co'ty cl.

May levy tax.

Tax divided, into two payments.

No. of acres furnished to sheriff.



for, a list of the number of acres within one mile of said proposed road to be located as aforesaid, subject to taxation, and the number of acres of same owned by each individual; and it is made the duty of the sheriff of Spencer county, within six months after said tax lists are placed in his hands, to collect to the extent of fifty cents per acre per annum of the individuals owning lands within said boundary, to be collected in the same manner that the State revenue is collected, and the collecting officer to be paid therefor out of the tax collected the same rates that he is paid for collecting the State revenue. The sheriff, however, before he proceeds to collect, shall enter into covenant to and with the Commonwealth of Kentucky for the benefit of the Taylorsville and Mt. Eden turnpike road company, with good surety to be approved by the said county court, (and which bond is to be filed with said court,) to the effect that he will collect the tax imposed as aforesaid, and that he will pay the same upon the order of said court whenever required after the said sheriff shall have had said list for any one year for the space of six months for collection, and his receipt to the clerk of said court for said tax lists to be regarded as evidence of the amount of tax to be collected by him.

1861.

Duty of sheriff.

Sheriff to give bond.

§ 6. At the same time that the levy aforesaid may be made, the said court shall order an election of a directory for said company, consisting of a president and five directors, to be elected by the subscribers to the capital stock of said company and the tax-payers on land, for the purposes aforesaid: one vote to be allowed for each share of stock of fifty dollars subscribed to build said road, and one for each fifty acres of land each person may own within the taxed boundary: the president and directors to continue in office as in the act directed to which this is an amendment.

Directors to be elected.

§ 7. The clerk of the Spencer county court shall give one month's notice of the time and place of said election, by notices in writing posted at the court-house door in Taylorsville, and in Mt. Eden in some conspicuous place in said town.

Notice of election given.

§ 8. It shall be the duty of the county court to superintend the collection of said tax, and each year to see that the lists of taxes to be collected is furnished to the sheriff, with the amounts due from each individual tax-payer; and the judge of the said court is authorized and directed to settle each year with the sheriff for the tax to be collected under this act, which settlement shall be filed of record in the clerk's office of said court.

Co'ty ct. superintend tax.

§ 9. For the tax paid under this act each tax-payer shall be entitled to a receipt, to be given him by the collector, which, to the holder and owner, shall be a certificate of

Tax receipt certificate of stock.

1861.

When tax paid  
over to comp'y.

stock in said turnpike road company, and entitle him to all the rights and privileges of a stockholder in said company.

§ 10. The county court aforesaid, upon the application of said company, [shall] cause the tax to be collected under this act to be paid over to said company, so soon as the same may be due, for the purpose of constructing said turnpike road, and for defraying the cost and charges incident to the construction of said turnpike.

\$5,000 sub-  
scribed, before  
tax levied.

§ 11. That the sum of five thousand dollars shall be subscribed to the capital stock of the company, incorporated by the charter to which this act is an amendment, before any tax is levied as provided by this act.

§ 12. That those who have heretofore subscribed stock under the provisions of the charter organizing said company, shall be entitled to a credit upon their subscription stock for the amount of taxes assessed against them, whenever the same shall have been paid by them as before directed.

§ 13. This act shall take effect from and after its passage.

Approved February 5, 1861.

## CHAPTER 26.

AN ACT to amend the charter of the Covington and Cincinnati Bridge Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Capital stock  
increased.

§ 1. That the capital stock of the Covington and Cincinnati Bridge Company be, and the same is hereby, increased to one million of dollars, divided into ten thousand shares of one hundred dollars each.

One half in  
preferred stock.

§ 2. That said company is authorized to receive subscriptions for the sum of five hundred thousand dollars, one half its capital stock, in preferred stock, and to pledge the revenues of the company for the payment of the dividends thereon as hereinafter provided: *Provided*, That it shall be lawful to prefer such stock to the extent of fifteen per cent. per annum, and not more.

Notice given.

§ 3. That when said company shall deem it expedient to issue preferred stock, they shall give notice thereof by advertisement in at least one newspaper of general circulation in each of the cities of Covington and Cincinnati: *Provided*, That for sixty days after the books for such preferred stock shall be opened, the preference in such subscription shall be given to those who may have before that time subscribed and paid for the non-preferred stock in said company: *And provided further*, That if the full amount of said sum of five hundred thousand dollars shall not be subscribed for within sixty days, as above provided

for, then said subscription shall be open as to the remainder of said sum, to all who may desire to subscribe for such preferred stock.

1861.

§ 4. That the preferred stock so subscribed for, shall receive out of the net earnings of the company a dividend, payable semi-annually, of fifteen per cent. per annum: *Provided*, That the net earnings of the company shall amount to a sum equal to fifteen per cent. per annum on the amount of such preferred stock: *And provided further*, That no dividend shall be declared on the non-preferred stock until the net earnings of the company shall pay said dividend on the preferred stock.

Preferred stock to receive dividend.

§ 5. That the preferred stock so subscribed for, shall be payable at such time and in such installments, not exceeding ten per cent. each thirty days, as shall be ordered by the directors of said company, and shall be subject to the provisions of the 6th section of the act to which this is an amendment, passed February 17, 1846.

How preferred stock paid.

§ 6. That when the amount of any subscription to such preferred stock shall be paid, such subscribers shall be entitled to receive a certificate for the number of shares they subscribed and paid for, setting forth that the holder is preferred, as provided in this act; and such stock shall be transferrable as other stock of the company.

Certificate of stock issued.

§ 7. That the company shall not be allowed to receive subscriptions for, nor to issue, preferred stock, as herein provided, until the stockholders of the company who may, before that time have subscribed and paid for non-preferred stock in said company, at a regular meeting, or at a meeting called by order of the directors, shall authorize the same to be done; a majority of the stock so subscribed shall be necessary to give the authority to receive and issue such preferred stock.

When preferred stock issued.

§ 8. This act shall take effect from its passage.

Approved February 5, 1861.

## CHAPTER 27.

AN ACT authorizing the Marshall county court to change State road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Marshall county court be, and the same is hereby, authorized and empowered to change that portion of the State road leading from Aurora, in said county, to Murray, in Calloway county, which runs through the lands of W. T. Swindle, in Marshall county: *Provided*, That the said court, in making such change, shall be governed by the general laws now in force in relation to roads: *And*

**1861.** *provided further,* That before such change shall be made, the proposed road shall be opened and put in good order.

§ 2. This act to take effect from its passage.

Approved February 5, 1861.

#### CHAPTER 28.

AN ACT to amend the charter of the Helena turnpike road, in Mason county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the stockholders of the Helena turnpike road to elect four directors for said road instead of six, as is now provided by the charter of said road.

§ 2. This act to take effect on the first Monday in June, 1861.

Approved February 5, 1861.

#### CHAPTER 30.

AN ACT for the benefit of school district No. 13, in Livingston county.

WHEREAS, The trustees of common school district No. 13, of Livingston county, did employ a competent teacher to teach a school for the term of five months; at the expiration of the first month he ran away, and the trustees were unable to employ another competent teacher to teach their school within the time required by law, but did hire a teacher some time in November, and have had two months taught in the year 1860, and by existing laws cannot receive their portion of the school fund; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 13, of Livingston county, be authorized to have their unfinished term of three months taught out against the first day of March, 1861, and report the same to the school commissioner of said county, as required by existing laws; and that said commissioner receive said report and forward same to the Superintendent, who shall receive and pay over to the order of said commissioner the amount due said district; and that said school district be, and the same is hereby, entitled to the same privileges and immunities as if said school had been taught out in the usual time required by law.

§ 2. This act to be in force from and after its passage.

Approved February 5, 1861.

## CHAPTER 32.

1861.

AN ACT in relation to the Louisville and Frankfort railroad company.

WHEREAS, Said company has been sued before justices of the peace, by one or more persons residing, or doing business, on Jefferson street, in the city of Louisville, and is threatened with suit by many other persons, each claiming damages for an alleged injury to his business or property by reason of the road and cars running along and in said street; and whereas, it is alleged that said parties purposely claim as damages small sums, in order to harass said company, and to avoid an appeal to higher courts; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whenever said company shall or may be sued before a justice of the peace, by any person claiming damages for any injury done by said company within the city of Louisville, the party against whom judgment is rendered shall have the right, without reference to the amount in controversy, to prosecute an appeal from the same to the county court, within the time and upon the terms now prescribed by law for the prosecution of appeals; and also to prosecute an appeal from all judgments of the county court to the circuit court, within the time and upon the terms prescribed by law for the prosecution of appeals to said court.

§ 2. This act shall take effect from its passage.

Approved February 5, 1861.

## CHAPTER 33.

AN ACT to amend the laws in relation to the Cumberland Gap road, in Knox county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the fourth section of an act, entitled—"An act to amend the laws in relation to the Wilderness and Cumberland Gap road, in Knox county," approved February 15th, 1860, be so amended as to permit the purchaser of the toll-gate on said road to keep the gate at such point on the road as he may choose.

§ 2. That the laws in relation to said road be further amended so as to require the citizens of Harlan county to pay toll at said gate.

§ 3. This act shall be in force from its passage.

Approved February 5, 1861.

1861.

## CHAPTER 34.

AN ACT to amend the charter of the town of Canton, in Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the town of Canton, in Trigg county, be so amended as to authorize the board of trustees of said town to grant coffee-house license in said town to any person applying therefor, upon such applicant or applicants paying to said trustees a tax for such of not less than fifty nor more than one hundred dollars, at the option of said trustees; and when such sum as shall be determined upon by said trustees shall be paid to them by any person who desires to open and keep a coffee-house in said town, such person shall be entitled to a license for that purpose, signed by the chairman of the board and attested by its clerk; which license shall continue in force for one year from the date thereof: *Provided*, That before any such license shall issue, the person or persons applying for the same shall execute a bond, with good and sufficient security, in the clerk's office of the county court of Trigg county, in the penalty of five hundred dollars, conditioned to keep a good and orderly house.

§ 2. That all money arising under the provisions of this act shall be applied by the trustees of said town to the improvement of the streets thereof, or to such other public use as said trustees shall direct.

§ 3. This act shall take effect from its passage.

Approved February 5, 1861.

## CHAPTER 35.

AN ACT for the benefit of J. W. Hutcherson, of Elkton, Todd county, and for other purposes.

WHEREAS, It is doubtful whether, under the existing laws, the trustees of the town of Elkton, Todd county, have the authority or power to license or permit any person to open and keep an eating and drinking saloon in said town; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of said town be, and they are hereby, empowered and authorized to grant unto J. W. Hutcherson, of said town, the privilege of opening and keeping an eating and drinking saloon in said town: *Provided*, He first pay, or cause to be paid, unto said trustees, any and all taxes they may impose upon him for said privilege; and do all other things required by said trustees; and pay the State license now required by law.

§ 2. This act shall apply to the towns of Morganfield and Uniontown, in Union county; and the trustees and councilmen of said towns, respectively, shall have authority to license one or more persons to keep an eating and drinking saloon in said towns on the terms specified in the first section of this act.

1861.

§ 3. This act shall take effect from its passage.

Approved February 5, 1861.

### CHAPTER 36.

AN ACT to exempt certain citizens of Spencer county from working roads.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful that all persons living within two miles of the Spencer and Nelson county turnpike road, who have taken stock in the same, shall be exempt from working any road so long as he or she continues thus to reside and own said stock; and the like subscription and payment for two shares for each slave he or she may own, shall exempt such slaves, nor shall any such person or their slaves be arranged into any other road precinct so long as they continue to reside within two miles of said road and own the stock aforesaid.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1861.

### CHAPTER 37.

AN ACT in reference to magistrates' district No. 3, in Mercer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the presiding judge of Mercer county court, together with the two magistrates of district No. 3, in Mercer county, be, and they are hereby, authorized to change and locate the place of voting in said district upon the written petition of a majority of the legal voters residing within the same.

§ 2. All elections held in accordance with the provisions of this act shall be considered legal to all intents and purposes as if held under the provisions of laws heretofore enacted.

§ 3. All laws now existing contrary to the provisions of this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved February 5, 1861.

1861.

## CHAPTER 39.

AN ACT to enlarge the town limits of Pleasureville, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the limits of the town of Pleasureville, in Henry county, be extended so as to include therein the dwelling-houses of A. D. Williams, Nelson Parrish, Jesse Harris, and Humphrey Sparks.

§ 2. This act to take effect from its passage.

Approved February 5, 1861.

## CHAPTER 40.

AN ACT to change the name of the Eminence High School, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the name of the Eminence High School, in Henry county, be, and the same is hereby, changed to the name of Eminence College.

§ 2. This act to take effect from its passage.

Approved February 5, 1861.

## CHAPTER 41.

AN ACT to permit the trustees of Greenville to change a street in said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the trustees of the town of Greenville shall have power and authority to change the street, or road, in said town, commencing at the bridge at the corner of Mr. Brank's lot on the Butler road, or street, and running thence a straight line to the southeast corner of the Female Academy lot on said road; and, also, to change said road so as to make it straight, commencing at the last mentioned point and running so as to intersect said road opposite Mobly's lot or B. J. Shaver's land. But before they shall pass any ordinance making said change, all those owning lots which will be affected by said change, must file their written consent before the board; and, upon this being done, the trustees may order the street to be opened as heretofore proposed, and must make an entry of the same on the record books; and record a plat showing the courses and distances, and the changes that have been made.

Approved February 5, 1861.



## CHAPTER 42.

1861.

AN ACT to authorize the Calloway county court to change State road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Calloway county court be, and the same is hereby, authorized and empowered to change the State road leading from Murray, in said county, to Hickman, in Fulton county, as follows, to-wit: leave the old road near Thos. Hedgepeth's cross fence, and run along the line between J. H. Hanes and Tilman Oliver, and intersect old road a few yards west of said Oliver's well: *Provided*, That the said court in making such change shall be governed by the general laws now in force in relation to roads: *And provided further*, That before such change shall be made, the proposed road shall be opened and put in good order.

Approved February 5, 1861.

## CHAPTER 43.

AN ACT to legalize certain proceedings of the Harrison county court, and for other purposes.

WHEREAS, The Harrison county court has appropriated the sum of one thousand dollars to build a bridge over Indian creek, on the line of the Cynthiana and Clayville turnpike road; also one thousand dollars to build a bridge over Gray's run, on the line of the Cynthiana and Leesburg road; also one thousand dollars to build a bridge over Mill creek, on the line of the Cynthiana and Raven Creek turnpike road; and whereas, said turnpike road companies have agreed, in consideration of the aforesaid appropriations, that if said Harrison county court procured an act of the General Assembly legalizing said appropriations, and authorizing said court to receive and hold stock in the said turnpike road companies, they would each issue to said county court certificates of stock in said turnpike roads to the amount of one thousand dollars; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the proceedings of the October term, 1858, of the Harrison county court, appropriating one thousand dollars to build a bridge over Indian creek, on the line of the Cynthiana and Clayville turnpike road; one thousand dollars to build a bridge over Gray's run, on the line of the Cynthiana and Leesburg turnpike road, and one thousand dollars to build a bridge over Mill creek, on the line of the Cynthiana and Raven Creek turnpike road, be, and the same are hereby, declared legal and valid; and said Harrison county court is hereby authorized and empowered

1861. to receive and hold stock in each of said turnpike road companies to the extent of one thousand dollars in each.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1861.

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#### CHAPTER 44.

AN ACT to amend the charter of the Knob Lick turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, approved January the 9th, 1852, incorporating the Knob Lick turnpike road company, be so amended as to authorize said company to charge the usual rates of toll on wagons going to mills and returning therefrom.

§ 2. This act to have effect from its passage.

Approved February 5, 1861.

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#### CHAPTER 45.

AN ACT applying the general mechanics' lien law to Boyd, Montgomery, and Webster counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act providing a general mechanics' lien law for certain cities and counties," approved February 17, 1858, be so amended as to apply the provisions of said act to the counties of Boyd, Montgomery, and Webster.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1861.

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#### CHAPTER 46.

AN ACT authorizing the Marshall county court to establish a road from Haydock's Ferry to Paducah.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Marshall county court be, and is hereby, authorized to open and establish a road from Haydock's ferry, via J. Barbor's, to the Hopkinsville and Paducah State road, in the direction to Paducah; and the said court, in opening and establishing said road, shall be governed by the general laws in force in relation to roads.

§ 2. This act to be in force from and after its passage.

Approved February 5, 1861.

CHAPTER 47.

1861.

AN ACT for the benefit of Jno. C. Gibson, lessee of the Warsaw turnpike road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That from and after the passage of this act it shall be lawful for John C. Gibson, lessee of the Warsaw turnpike road, to remove the present toll-gate on said road, and locate the same at the junction of the Napoleon and Dry creek road with said turnpike, and to extend said gate across the said Napoleon and Dry creek road: *Provided*, That no greater rate of toll shall be collected on the travel to and from Warsaw than is charged at the present location of said toll-gate.

Approved February 5, 1861.

CHAPTER 48.

AN ACT to establish an additional voting place in the third magistrates' district in Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an additional voting place in the third magistrates district in Ballard county is hereby established at the town of Fort Jefferson, in said county, at which place the voters of said district may vote at all elections hereafter held in this Commonwealth, in accordance with existing laws regulating elections.

Approved February 5, 1861.

CHAPTER 49.

AN ACT repealing "An act in relation to the town of Greenupsburg."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act in relation to the town of Greenupsburg," approved March 1st, 1860, be, and the same is hereby, repealed...

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1861.

1861.

## CHAPTER 50.

AN ACT for the benefit of the estate of R. C. Rice, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall and may be lawful for the county court of Henry county to probate and admit to record the last will and testament of R. C. Rice, deceased, and that the executor appointed by said will shall qualify as such in said county, according to the provisions of the statute in such cases made and provided.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1861.

## CHAPTER 52.

AN ACT for the benefit of John M. Todd and W. R. Campbell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasurer, in favor of John M. Todd, for thirty dollars, for his services as Secretary of the Electoral College of Kentucky in 1860; also, in favor of William R. Campbell, for the sum of thirty dollars, for his services as Sergeant-at-Arms of said College—these being the amounts allowed to said Todd and Campbell by said Electoral College.

§ 2. This act shall take effect from its passage.

Approved February 5, 1861.

## CHAPTER 53.

AN ACT to incorporate the Old School Presbyterian Church, in Glasgow.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William E. Munford, James M. Payne, Welb. Byon, Wm. W. Waring, and Wm. Sampson, and their successors in office, shall be, and they are, hereby, created a body corporate and politic, by the name of "The Trustees of the Old School Presbyterian Church, at Glasgow;" that the title to lot No. 77 in said town, at the southeast corner of Washington and Main cross streets, commonly known as the old Presbyterian Church lot, be, and the same is hereby, vested in them; that they shall have power, if they see proper, to sell and convey said lot, and apply the proceeds to the purchase of such other lot as they may select in said town for the erection of a house of worship for the use

1861.

of said church, and to receive a conveyance therefor; they shall also have power to make all necessary contracts for the erection of such a house, either on said old lot or such other as they may purchase, or any other contract necessary or proper for inclosing or beautifying the same.

§ 2. That the members of said church, upon due notice thereof for one week by publication from the pulpit, shall have power to remove said trustees, or any of them, and elect others in their place, which election shall be certified by the clerk of the session of said church to the Barren county court, who shall cause the names of such persons so elected to be entered on the records of said court as trustees in lieu of the persons so removed.

§ 3. In case of a vacancy in said board of trustees, either by death, removal, or otherwise, the same shall be filled by election as specified in the preceding section.

§ 4. A majority of said board shall constitute a quorum to do business.

Approved February 5, 1861.

#### CHAPTER 54.

AN ACT to amend the charter of the Masonic Temple Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the president and directors of the Masonic Temple Company, of Louisville, Ky., shall have the right to extend the privilege under the 6th section of the charter to the stockholders in the Masonic Fraternity of Louisville, to convert their stock into stock in the Masonic Temple Company of Louisville, Ky., for any term not exceeding six months from the 4th day of March, 1861.

§ 2. That the said company may establish the Savings Institution authorized by the charter, under such name as they may adopt or authorize to be adopted; and all acts of the president and directors in organizing said company, prior to the 3d day of April, 1861, are hereby confirmed.

§ 3. This act shall be in force from and after its passage.

Approved February 6, 1861.

#### CHAPTER 55.

AN ACT to repeal an act concerning judicial sales in the county of Jefferson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act concerning judicial sales in Jefferson county and Louisville," approved February 27, 1860, be, and the same is hereby, repealed.

§ 2. This act to take effect from the day of its passage.

Approved February 6, 1861.

1861.

## CHAPTER 56.

AN ACT to incorporate the town of Dixon, in Webster county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary of  
town.

§ 1. That the town of Dixon, in the county of Webster, be, and the same is hereby, incorporated, with a boundary three fourths of a mile square, the public square being the center.

Who conduct  
first election.

§ 2. That P. D. Clayton, C. W. Cook, and S. H. Woolfolk, or any two of them, are hereby appointed judges to conduct the first election for officers of said town; who, after taking an oath to discharge their duties faithfully and impartially, shall, on the first Saturday in April, 1861, after giving three days' notice, posted at two or more conspicuous places in said town, and after having appointed a clerk, shall proceed to the election of five trustees for said town: *Provided*, Said election shall not then be held, they may hold the same on any other day during the year 1861, under the conditions aforesaid; and the said trustees shall hold their office for one year, and until their successors are elected and duly qualified.

Body politic,  
and corporate  
powers.

§ 3. Said trustees shall be a body corporate, sue and be sued, and do all other matters and things that trustees of towns have a right to do under the general law; and said trustees shall have power, by the concurrence of two thirds of the voters of said town, to levy a tax of fifty cents on each poll, and ten cents on each one hundred dollars' worth of property in said town; they shall pass all by-laws for their government, not contrary to the constitution and laws of Kentucky.

Officers--when  
elected.

§ 4. The said judges and clerk shall, on the first Monday in August, 1861, proceed to the election of a police judge and town marshal for said town; and thereafter the police judge shall be elected when the county judge is elected, and hold his office for the same time; and the marshal thereafter shall be elected at the same time constables are elected, and hold his office for the same time; to take oath and give bond, and in all respects be liable as constables are.

Poll-book re-  
turned to co'ty  
court judge.

§ 5. That the poll-book of said elections shall be returned by the clerk to the judge of the Webster county court, at the first term after said election, and the result shall be certified by the county judge of said court to the Secretary of State; and the Governor shall issue a commission to that person who may be elected to the office of police judge; and after being commissioned, shall take the same oath taken by the county judge, and in all civil cases arising in the town, shall have the same jurisdiction as a justice of the peace, and subject to the same rules and regu-

lations, and be entitled to the same fees as justices of the peace for similar services; in criminal cases, arising in the town, he shall have the same jurisdiction as the county judge, and be entitled to similar fees; he shall have jurisdiction of all cases arising from a violation of the town laws, and be entitled to the same fees as justices of the peace for similar services.

1861.

Jurisdiction of  
police judge.

§ 6. The town marshal shall execute all process issued by the police judge of said town, and shall be entitled to the same fees as constables for similar services.

Duty of mar-  
shal.

§ 7. A majority of the trustees shall constitute a board to do business; and, in case of death or resignation of any one of them, a meeting shall be called, giving three days notice, as previously required, to fill any vacancy that may occur in said board; and in case of the death or resignation of the police judge or town marshal, the chairman of the board of trustees shall post up notices, in two or more of the most public places in said town, giving ten days notice, fixing a day to elect a police judge or town marshal to fill such vacancy; which election shall, in all respects, be governed by the provisions in the 4th and 5th sections; and the police judge or marshal so elected shall hold his office until the next general election.

Quorum.

Vacancies—  
how filled.

Approved February 6, 1861.

## CHAPTER 57.

AN ACT for the benefit of the attorney of Danville.

WHEREAS, It is represented to this General Assembly that the town attorney of the town of Danville is allowed by the trustees of said town 30 per cent. of all the fines imposed by the police judge of said town; and that the same are often remitted, by which said attorney is deprived of his fees; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the compensation given as aforesaid to the town attorney of the town of Danville shall be his fees for such services within the meaning of the 10th section of the third article of the new constitution of Kentucky, and not subject to be remitted.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1861.

1861.

## CHAPTER 58.

AN ACT to incorporate the Lodge of Free and Accepted Masons, of Muhlenburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That V. Glenn, P. B. Fulkerson, and J. R. Shull, and their associates and successors in office, be, and they are hereby, created a body corporate, by the name and style of Paradise Lodge, No. 312, of Free and Accepted Ancient York Masons; and they, and their associates and successors, shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts in law or equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government; and those now in force in said lodge to alter when deemed proper, and may change and renew at pleasure: *Provided*, They be not in contravention to the constitution of the United States and of this State, and the laws thereof.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding ten thousand dollars in value; and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest or to dispose of the same at pleasure.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 4. This act to take effect from its passage.

Approved February 6, 1861.

## CHAPTER 59.

AN ACT for the benefit of school district No. 17, in Whitley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 17, in Whitley county, be allowed further time until the first day of April next, to make their report to the commissioner of common schools of Whitley county, who shall forthwith report it, in the same manner as his annual report; and the amount to which said district shall be entitled from the school fund for 1860 shall thereupon be paid to said commissioner, and by him to the trustees of said district.

§ 2. This act shall be in force from its passage.

Approved February 6, 1861.



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## CHAPTER 61.

1861.

AN ACT to amend the charter of Elizabethtown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whenever a vacancy shall occur in the office of town marshal for Elizabethtown, it shall be lawful for the vacancy to be filled by an election of the qualified voters in said town, to be ordered by the police judge of said town, or by the county judge for Hardin county; and in case said election is not ordered in ten days after the vacancy occurs, it shall be lawful for the trustees of said town to appoint a marshal for the unexpired term.

§ 2. That the said trustees be authorized to fill the vacancy now existing in the office of town marshal, in case an election shall not be ordered within ten days after the passage of this act.

§ 3. This act to be in force from its passage.

Approved February 6, 1861.

## CHAPTER 62.

AN ACT relating to the Flatwoods precinct in Owsley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all of that portion of the Flatwoods district of the county of Owsley, not taken off by the formation of the county of Wolfe, be, and the same is hereby, constituted a voting precinct in said county of Owsley; and the voting place shall be at the house, or on the premises, of William Thompson, in said district; and said district shall be entitled to two justices of the peace and a constable, as heretofore.

Approved February 6, 1861.

## CHAPTER 63.

AN ACT for the benefit of Samuel Kitchens.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Samuel Kitchens, of Butler county, be, and he is hereby, allowed the further time of one year, from the 9th of January, 1861, to redeem a tract of land belonging to him of two hundred and fourteen acres in said county, which was sold to satisfy an execution which issued from the Franklin circuit court, against Moore and others, and in favor of the Commonwealth: *Provided*, The said Kitchens

1861. shall pay the purchase price given by the Commonwealth, with six per cent. interest from the 9th of January, 1860, till paid.

§ 2. This act to take effect from its passage.

Approved February 6, 1861.

#### CHAPTER 64.

AN ACT for the benefit of school district No. 37, in the county of Bath.

WHEREAS, It appears by the report of the common school commissioner, of Bath county, to the Superintendent of Public Instruction, that, on account of an epidemic which prevailed in school district No. 37, in said county of Bath, a school was not taught in said district for the full period of three months during the year 1860; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said district shall be reported for the year 1860 as if a school had been taught therein for the time required by law; and that the teacher therein be required to teach during the year 1861, in addition to the three months, such other time as will make up the deficiency in the time said school was taught in 1861, occasioned by the epidemic aforesaid.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1861.

#### CHAPTER 65.

AN ACT for the benefit of the police judge and town marshal of New Liberty, Owen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the police judge and town marshal of New Liberty, Owen county, shall have concurrent jurisdiction in criminal cases with justices of the peace and constables of said county.

§ 2. This act shall take effect from its passage.

Approved February 6, 1861.

## CHAPTER 66.

1861.

AN ACT to amend the charter of the Harmony and Fork turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act incorporating the Harmony and Fork turnpike road company, approved 12th February, 1858, be amended so as to vest the said company with the privilege of extending a road, to be constructed under said charter, from the beginning near Harmony church, in Garrard county, to pass through Buena Vista, to intersect the Danville, Nicholasville, and Lancaster turnpike road, in Bryantsville, or at some point in three fourths of a mile of Bryantsville.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars.

§ 3. That persons who subscribe stock in said company shall have five years from the time this act takes effect to organize and commence work under the charter to which this is an amendment.

§ 4. That John S. Hoskins, H. F. Smith, and Dr. J. Poor, be appointed commissioners to obtain stock for the construction of said road from Harmony church, through Buena Vista, to the above mentioned point. When one thousand dollars of stock is subscribed between Harmony church and Bryantsville, any two of the above commissioners can open the books in Bryantsville, by posting up written advertisements in two places ten days before the books are opened; then when the sum of one thousand dollars is subscribed, and after ten days notice being given by advertisement in three places, the stockholders shall be authorized to organize and elect a board. Three of the board must reside between Harmony church and the mouth of Dix river, and three between Harmony church and Bryantsville.

Approved February 6, 1861

## CHAPTER 67.

AN ACT for the benefit of R. H. Perry, of Kenton county.

WHEREAS, It is represented to this General Assembly that R. H. Perry, of Kenton county, holds, by assignment and transfer from Jacob Swigert, late clerk of the court of appeals, various fee bills, which fee bills were issued by said Swigert as clerk as aforesaid; and whereas, it is also represented that many of said fee bills are not now dis-  
trainable by reason of the lapse of time; therefore,

1861. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said R. H. Perry be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect the fee bills transferred to him as aforesaid, and the same shall be distrainable in the same manner and under the same regulations and penalties now prescribed by law.

§ 2. That this act shall be in force from its passage.

Approved February 6, 1861.

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### CHAPTER 69.

AN ACT for the benefit of H. W. McNary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That H. W. McNary, of Muhlenburg county, is hereby authorized to erect two gates on his land in said county, on the road leading to Clark's and Eaves' mill; said gates to be eight feet wide, and to be so located as not to change the position of said road.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1861.

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### CHAPTER 70.

AN ACT to repeal an act incorporating the Lewisport Pond Draining Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled "An act to incorporate the Lewisport Pond Draining Company," approved February 16, 1858, be, and the same is hereby, repealed.

Approved February 6, 1861.

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### CHAPTER 71.

AN ACT to revive and amend the act to incorporate the town of Florence, in Boone county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the town of Florence, in Boone county," approved February 17, 1860, and repealed by an act approved the — day of —, 1860, be, and the same is hereby, revived and re-enacted, with, and subject to, the following amendments,

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to-wit: 1st. The police judge, marshal, trustees, and all other officers of said town, made elective by the charter of said town, shall be elected on the first Saturday in March, 1861, for the full terms of their respective offices, and according to the manner and mode and by the electors prescribed by said charter; and all officers thus elected, and having been duly qualified, shall enter upon the duties of their offices on or before the first day of April, 1861. The marshal, before entering upon the duties of his office, shall be sworn and execute a bond with approved security, payable to the Commonwealth; which bond and security shall be taken and approved by the county court of said county, in the penalty and with the conditions prescribed by said charter.

§ 2. Paschal Conner and Albert Stephens, the two justices of the peace residing nearest said town of Florence, or either of them, may and shall appoint the judges, clerk, and other officers of the election to be held on the first Saturday in March, 1861, aforesaid, and shall appoint the place of election, and give notice of the time and place at least five days before the election, by written advertisements, set up at the post-office and principal hotels in Florence; and Conner and Stephens shall inspect the polls of said election, determine contests, and give certificates of election to the persons elected at the first election; and the town council shall provide for all future elections.

§ 3. All taxes for tavern license, retailing spirituous liquors, or for other things, and all fines and forfeitures which, under existing laws, are payable into the county or State treasury, shall continue to be so payable to said county or State treasury, any thing in the act hereby revived to the contrary notwithstanding.

§ 4. This act shall take effect from and after the passage thereof.

Approved February 6, 1861.

## CHAPTER 73.

AN ACT for the benefit of George W. Darlington, late sheriff of Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Greenup county be, and he is hereby, authorized to collect all taxes due to George W. Darlington, late sheriff of Greenup county; and may dis-train therefor, in the same manner as allowed by law in the collection of other taxes, and under like responsibilities.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1861.

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## CHAPTER 74.

AN ACT changing the name of "Henderson Female Institute."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the name of the Henderson Female Institute, at Danville, Kentucky, be changed, and hereafter called and known as the Caldwell Female Institute.

§ 2. This act to take effect from its passage.

Approved February 6, 1861.

## CHAPTER 75.

AN ACT to incorporate the Bullitt County Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators' names and corporate powers.

§ 1. That James F. Gamble, James M. Doom, Robert Taliaferro, and Robert B. Hopkins, and their successors, are hereby created a body politic and corporate, under the name and style of "The Bullitt County Manufacturing Company," and by that name shall have perpetual succession; may contract and be contracted with; sue and be sued; plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of the said company, not inconsistent with the constitution and laws of this Commonwealth.

Who to manage business of corporation.

§ 2. That said company shall have power and authority to appoint or elect any number, not exceeding nine, of its members, or other persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which may, from time to time, be adopted by said company for its government and the transaction of its business.

Capital stock—how subscribed.

§ 3. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, to be divided by said company into shares of one hundred dollars each, which may be subscribed and paid for in such manner and at such times as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as the said company, by its by-laws, may direct.

May hold real estate.

§ 4. Said company shall have power to hold such real estate in the State of Kentucky, by lease, purchase, or otherwise, and such personal property, as they may deem necessary and proper for carrying on the manufacture of leather into any and all articles they may think proper to make and manufacture at their tan-yard in Bullitt county, Kentucky, or in the city of Louisville; and also for the

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manufacture of lumber, staves, laths, shingles, and every description of cooperage, at the places above named, with full power to sell and convey any and all of said real or personal estate, and every thing manufactured by them under this charter.

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§ 5. The General Assembly reserves the right to alter, amend, or abolish this grant.

§ 6. This act to take effect from and after its passage.

Approved February 6, 1861.

### CHAPTER 76.

AN ACT to amend the laws regulating tolls at the toll-gate in Rockcastle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of an act of the General Assembly approved March 1st, 1860, entitled "An act to regulate the tolls and management of the Crab Orchard fork of the Wilderness turnpike road, in Rockcastle county," be so amended in the first section of said act as to make the tolls at the gate on said road thirty cents for a one-horse wagon, and fifty cents for a two-horse wagon.

§ 2. This act shall be in force from the date of its passage.

Approved February 6, 1861.

### CHAPTER 77.

AN ACT to amend the charter of the Winchester and Mt. Sterling turnpike road company.

WHEREAS, The president, directors, and company of that part of the Winchester and Mt. Sterling road situated in Clarke county, not having funds enough to build that part of said road, were compelled to borrow money for that purpose, and the creditors are desirous of having some security that the money so advanced will be repaid to them; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of said turnpike road company be so amended that the president and directors thereof shall be, and are hereby, empowered to convey to the persons to whom said president, directors, and company are indebted for money advanced by them to aid in the construction of said road, all the profits arising from the tolls collected on that part of the road that is within the county of Clarke, and all profits that may arise from any other source within

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said county, and which may belong to said company, after having first deducted from said profits so much thereof as may be necessary to defray all the expenses of repairs, and such other expenses as are properly incident to the support and management of such road; and such deed of conveyance, when executed, shall be valid, and vest in the mortgagees a right to have such profits regularly applied to the payment of their debts until the same shall be fully paid.

§ 2. This act shall take effect from its passage.

Approved February 6, 1861.

### CHAPTER 78.

AN ACT to incorporate the Burksville Male and Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators' names and corporate powers.

§ 1. That Fayette W. Alexander, William F. Owsley, James M. Boles, Thomas S. Ellison, William J. Dixon, David R. Haggard, and Joseph R. Ryan, he, and they are hereby, created a body politic and corporate, to be known and called the Trustees of the Burksville Male and Female Academy, and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in any court of law or equity, and shall be capable in law of purchasing, acquiring, and holding to them and their successors any lands, tenements, goods, and chattels, of any kind, and of receiving, taking, and holding, to them and their successors, any money, goods, lands, or tenements, which may be given, granted, or devised for the use of said academy, or which they may now have; and they may sell, dispose of, and convey the same according to the by-laws which may be hereafter established by them: *Provided*, That they shall not, at any time, hold real estate of greater value than twenty thousand dollars.

May make by-laws.

§ 2. The trustees shall have power, from time to time, to establish such by-laws, rules, and ordinances, not inconsistent with the constitution and laws of this State, as they shall deem necessary for the government of the said academy and the management of its funds and property. A majority of all the trustees shall concur in the election of a president, treasurer, and clerk of the board, and of professors and tutors of said academy; and upon the disqualification, death, resignation, or removal from office of any of the trustees, professors, tutors, or officers of said academy, the board of trustees shall fill the vacancy by appointment until the next regular election; a majority of said trustees shall constitute a quorum for the transaction of business.



§ 3. The trustees hereby appointed shall hold their office for two years, from the 1st day of March, 1861, and then, and every two years thereafter, an election shall be held by the stockholders of said academy for trustees, at such time and place as may be fixed by said trustees in their by-laws; and two of said trustees shall preside over and hold said election; the trustees appointed hereby and elected as herein provided, shall continue in office until their successors are elected and qualified; and upon the failure of an election at the time hereby appointed, said trustees may, by order, appoint an election to take place at another time; when convened at an election, or at any other time, by order of the trustees, the stockholders (a majority being present) may ordain such by-laws, rules, and regulations, for the government of the academy, and for the management, purchase, and sale of its property, as they may deem proper. No person shall be eligible as trustee who does not own one share of stock in said academy. The trustees shall provide a book of record, upon which shall be entered all their acts and doings, which shall be signed by the president of the board; they shall enter upon it the name of each stockholder in said academy, together with the number of shares of stock owned by each; they may divide the stock into such shares as they see proper by their by-laws; and stockholders in all elections shall be entitled to one vote for each share of stock held and owned, and a fractional vote for each fractional share of stock; the stock may be negotiated and assigned upon the books of the trustees, and the assignees be entitled to all the privileges of stockholders.

1861.  
Term of office—  
when election  
held.

Eligibility of  
trustees.

§ 4. The trustees shall have power to confer upon the students in said academy any or all the diplomas or degrees conferred by the colleges in this State, and the private seal or scroll of the president may stand in lieu of a corporate seal.

May confer  
diplomas.

§ 5. The academy hereby established shall be deemed a common school, and shall receive its share of the common school fund from the treasury of the State in proportion to the number of children in the district in which it is situated, upon the same terms and conditions as provided by law for other common schools of the State.

Deemed a com-  
mon school.

§ 6. This act to take effect from its passage.

Approved February 6, 1861.

1861.

## CHAPTER 79.

AN ACT to amend the charter of the town of Owingsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the town of Owingsville, in Bath county, be, and it is, so amended, that the trustees of said town shall have power to tax all shows, menageries, circuses, and other exhibitions which may exhibit within the limits of said town, or within one mile of the same; and the marshal may enforce the collection of such tax, or prevent the holding of such exhibitions until the same is paid.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1861.

## CHAPTER 81.

AN ACT to incorporate the Glennville Stock Association.

WHEREAS, Great benefits are derived from the improvement of the races of domestic animals of our State; therefore, to encourage the same,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a stock association is hereby established, to be called the Glennville Stock Association; the members and subscribers thereof, and their successors, are hereby created a body politic and corporate, and by the name and style aforesaid shall have all the right and privilege of a natural person in suing and being sued, answering and defending, in all courts of law and equity.

§ 2. That W. H. Jones, C. D. Case, Wm. M. Humphrey, Thos. R. Brown, Jas. P. Miner, G. C. Jones, and James C. Bascom, are hereby constituted commissioners to receive subscriptions and enroll members.

§ 3. That any one may become a member of this association by the payment to any one of the above commissioners, previous to its organization, the sum of one dollar, which shall be the annual subscription giving membership, or ten dollars entitling the subscribers to life membership.

§ 4. That when ten members are enrolled, the commissioners above named shall call a meeting of the members at Beach Fork, in Washington county, and elect a president, one vice president, four directors, and a secretary and treasurer; and these officers shall serve for one year, or until their successors are elected, which shall take place the first Saturday in February in each year.

§ 5. That the above board of officers may adopt a seal

and change it at pleasure, appoint all officers and agents they may deem proper for their co-operation, fix their remuneration, and take bond and security for the faithful discharge of their duties, and shall have the management of the property, funds, and prudential concerns of said society.

1861.

§ 6. That the presidents of all agricultural societies in this State shall be members (*ex-officio*) of this association, and that any one may become an annual member of this association after the organization of the society, by paying the treasurer the sum of one dollar, or ten dollars, which shall constitute him a life member; but the board of officers shall have power to strike out from the list of members the name of any person whose conduct shall in their opinion forfeit this privilege; and the person whose name is thus erased shall cease to be a member of this society.

§ 7. That each member of this association shall have the privilege of showing their stock free of charge.

§ 8. That the president shall have power to call special meetings of the society, by giving ten days notice, to transact any kind of business.

§ 9. That as soon after the annual meeting as practicable, and not later than the first Saturday in March of each year, the board of officers shall fix on a time for holding an annual exhibition of stock for the purpose of awarding premiums, which time, with the list of premiums, shall be published before the first Saturday in April.

§ 10. That the board of officers, any five of whom shall constitute a quorum for the transaction of business, from time to time [may] make such by-laws, rules, and regulations for the government of the society as they may deem expedient, not contrary to this charter or the by-laws or regulations which the members may from time to time prescribe at their annual meetings.

§ 11. That in case of the death, resignation, or refusal to act of any of the officers, the board of officers shall have power to fill such vacancy, who shall act until the next annual election.

§ 12. This act shall take effect from its passage.

Approved February 6, 1861.

## CHAPTER 82.

AN ACT to incorporate the town of Gratz, in Owen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary of land in Owen county, on the Kentucky river, lying between the Clay Lick creek and Loudenback's branch, and laid off into streets and alleys

Boundary of town.

1861. by James S. Evans, civil engineer, in the year 1849, be, and is hereby, established as the town of Gratz, and to be embraced within the limits of said survey.

Who copies of  
survey kept by.

§ 2. That one copy of said survey be kept by the trustees of said town of Gratz, subject to inspection at all times of the citizens and lot-owners of said town; and that said trustees cause another copy to be filed in the office of the county court of said county.

Trustees ap-  
pointed.

§ 3. That E. F. Burns, C. G. Loudenback, and R. Minish, be, and are hereby, appointed trustees of said town, and shall hold their office till the first Monday in June next, at which time, and annually thereafter, there shall be an election of five trustees by the qualified voters of said town, to serve for one year, and till their successors are duly elected and qualified.

Qualified  
voters.

§ 4. All free white males of twenty-one years of age, who have resided in said town sixty days next preceding an election, shall be qualified to hold office or to vote for any officer at any election in said town.

Officers to be  
elected.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town, on the first Monday in March next, who shall hold their offices till the next regular election of county judge and sheriff in said county; at which time said officers shall be elected for the same term as are the officers aforesaid.

Officers to take  
oath.

§ 6. Said officers, including the trustees, shall, before they enter upon the duties of their office, take the oath prescribed by law; and the marshal shall execute bond in the county court, with approved security, conditioned for the faithful discharge of his duties.

Powers of po-  
lice judge and  
marshal.

§ 7. Said police judge and town marshal shall have concurrent jurisdiction with justices of the peace and constables in Owen county, in criminal and penal cases, and a like jurisdiction in civil causes, within the limits of said town; and to charge the same fees for services as justices of the peace and constables are allowed by law to charge for like services.

May make by-  
laws.

§ 8. The trustees of said town are empowered to pass such by-laws and enact such regulations as may be necessary for the government and well-being of said town, and not inconsistent with this act; and to fill any office created by this act, which shall become vacant from any cause, till the next regular election; and they may also appoint a clerk.

May levy and  
collect tax.

§ 9. Said trustees may levy and collect a tax within the limits of said town, on all taxable property, not exceeding twenty-five cents on each one hundred dollars; and a tithe not exceeding one dollar on each titheable in the limits of said town.

§ 10. The clerk shall keep a full and faithful record of the proceedings of the trustees of said town, which shall at all times be subject to inspection of all the citizens; and all by-laws and ordinances passed by the trustees of said town shall be copied by the clerk, and posted up by him in some conspicuous place for inspection; and for the services of the clerk the trustees may make such compensation as they shall deem suitable.

1861.

Clerk to keep record of proceedings.

§ 11. That the limits of said town shall include the present residences of E. F. Burns, C. G. Loudenback, and William Loudenback, adjoining said town.

Limits of town.

§ 12. This act shall take effect from its passage.

Approved February 6, 1861.

### CHAPTER 83.

AN ACT to incorporate the Silver Creek and White's Mill turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That persons who subscribe stock to construct a turnpike road, to commence at some point on the Richmond and Lancaster turnpike road, between Silver Creek and Paint Lick, to run thence to White's Mill, as near the old dirt road as practicable, thence to a point on the Richmond and Big Hill turnpike, near the village of Kingston, be a body politic under the style of the Silver Creek and White's Mill turnpike road company; and by that name may sue and be sued, and shall have perpetual succession, the capital stock of which shall not exceed thirty thousand dollars.

§ 2. The following persons shall be commissioners to obtain stock in said company: Jas. A. Moran, Fountain Ross, Eli Moberly, Sam. Campbell, Durrett White, Will H. White, and Whit. Moseby, any three of whom may, at any time they think proper, cause books for the subscription of stock to be opened at such places as they may designate, by posting up advertisements at five or more public places in the vicinity of said road; the stockholders shall be authorized to organize and elect a board of officers whenever five thousand dollars of stock is subscribed, and ten days notice of the time and place of the election shall have been given at five or more public places in the vicinity of the proposed road.

§ 3. The said road shall be under the control and management of a president and four directors, who shall, after the first election, hold their offices one year, and until their successors are elected and qualified; the first board shall hold their offices from the time of their election until the first Saturday in May succeeding, and until their successors are elected and qualified.

1861.

§ 4. The commissioners shall have ten years to organize under this act from the date of its passage.

§ 5. The said company shall have power to acquire land upon which to locate their road, and materials for the construction of the same, and are allowed to erect gates, and collect tolls as provided for by the general laws of this Commonwealth concerning turnpike and plank roads.

§ 6. This act shall take effect from and after its passage.

Approved February 6, 1861.

## CHAPTER 84.

AN ACT authorizing the election of police judge and marshal for Hazelgreen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Officers--when  
elected.

To take oath.

Jurisdiction of  
police judge.

Powers of po-  
lice judge.

§ 1. That the qualified voters of the town of Hazelgreen shall, on the first Monday in April, 1861, and on the first Monday in the month of August every four years thereafter, at the store-house of J. G. Trimble, in said town of Hazelgreen, in Wolfe county, hold an election for a police judge and town marshal; who, before they enter upon the discharge of their respective duties, hereinafter prescribed, shall take an oath before the county judge, or some justice of the peace of said county, to discharge the duties of their offices faithfully and impartially, without favor or affection, together with such other oaths as the law requires usually of public officers. The said police judge shall have jurisdiction, within the limits of said town, of all breaches of the peace, riots, routs, affrays, and unlawful assemblies, or any other misdemeanor of which justices of the peace now have jurisdiction; he shall have concurrent jurisdiction with justices of the peace in all civil causes; he shall have power to sit as a court of inquiry in criminal cases, in which he shall have the same jurisdiction now given by law to two justices of the peace, and shall proceed in like manner as required of them by existing or future laws in criminal cases; he shall have power and authority to grant injunctions in reference to cases within his jurisdiction; it shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; he shall have power to issue summonses for witnesses to give evidence in any case pending before him, and to compel their attendance; to issue compulsory process, to fine, and imprison for contempt: *Provided*, That such fine shall not exceed ten dollars in any case, nor the imprisonment twelve hours; he shall have power to order the marshal to summon a jury in any case cognizable

before him when a jury would be required by a circuit court or a justice of the peace under existing laws. It shall be lawful for said police judge to take depositions, and certify the same, when they are to be read as evidence in any court in this Commonwealth. He shall be entitled to the following fees, viz: To a fee of fifty cents for every application for an injunction; which shall be collected in the same manner as the fees of justices are now collected; for a warrant for any violation or breach of the peace, fifty cents; for swearing a jury and presiding on the trial in any civil cause, fifty cents; for taking a recognizance to keep the peace upon the application of any person, fifty cents, to be charged to the applicant; all other fees of said judge to be the same as those of justices of the peace for like services, and collected in the same way.

1861.

May take and certify depositions.

Fees of police judge.

§ 2. That upon all judgments rendered by the said police judge, each party shall have the right of appeal from said judgment in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

Appeal from judgments of police judge.

§ 3. That said marshal shall be required to execute bond with approved security, in such sum as the police judge of said town of Hazelgreen shall require, conditioned faithfully to discharge the duties of his office; which bond shall also contain any other condition which the said police judge shall require; he shall also execute bond to the Commonwealth of Kentucky, in the same penalty, and conditioned for the faithful discharge of his duties as is required by law of constables; that it shall be the duty of said marshal to serve all process and precepts to him directed from the police judge or any justice of the peace of Wolfe county, and make due return thereof; collect all taxes of said town, executions, and all other demands which may be put into his hands to collect, and account for and pay over the same to whoever may be legally entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of executions, and other demands; and for a failure to perform any of the duties required of him he shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases; his fees in all cases shall be such as are allowed by law to constables in similar cases, except when it is otherwise provided by a previous law; he shall also have power to serve process directed to him by the county judge; for which his fees shall be the same as are now allowed to constables.

Marshal to give bond.

§ 4. This act is to take effect from the date of its passage.

Approved February 6, 1861.

1861.

## CHAPTER 85.

AN ACT to incorporate the Hopkinsville Gymnastic Club.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That, John P. Ritter, E. P. Walton, A. D. Buck, Thomas Starling, C. S. Ratcliffe, C. S. Hart, Samuel Harrison, Wm. Caldwell, James Wallace, G. B. Blakemore, and their associates, of the town of Hopkinsville, Kentucky, and their successors, are hereby created a body politic and corporate, by the name and style of the Hopkinsville Gymnastic Club, and by that name are hereby vested with full power and authority to acquire, hold, use, and enjoy real and personal estate, not exceeding five thousand dollars, and to sell and convey, or otherwise dispose of the same, under such by-laws, rules, and regulations as may be by them adopted: *Provided*, That such by-laws, rules, and regulations be not contrary to the Constitution or laws of this State, or of the United States; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and have and use a common seal, and the same alter at their pleasure; that the powers hereby granted shall not be used in doing anything not expressly granted by the provisions of this act; that the right of any future Legislature to alter, amend, or repeal this act, is hereby reserved.

§ 2. That the officers of said club shall consist of a president, vice president, secretary, and treasurer, and five directors, and such other inferior officers as may be provided by the by-laws; the terms of office, time and manner of electing or appointing all the officers of said club, shall be regulated by the by-laws; the size of the shares of stock, the times and manner of subscribing and calling for payment of shares, and all the conditions regulating the holding, selling and transferring thereof, as well as the manner and condition under which stockholders shall vote, shall be regulated by said by-laws.

§ 3. The said association shall have the power to impose fines and forfeitures for violations of its rules, regulations, and by-laws, and to enforce their collection by their rules, as they may collect the fines imposed before a justice of the peace, upon proof that such fine has been imposed by said club; and all money so collected shall be paid to the treasurer of said club by the officer collecting the same.

§ 4. This act to take effect from its passage.

Approved February 6, 1861.



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## CHAPTER 86.

1861.

AN ACT to amend an act, entitled an "Act to charter the Pulaski turnpike road company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the seventh section of the above recited act be so amended as to prohibit any sale of the county bonds by the county judge, unless the discount on the same shall not exceed ten per centum.

§ 2. That whenever it may be necessary to have the right of way and toll-houses for said road condemned, the like proceedings shall be had as is authorized by the general laws on the subject of public roads.

§ 3. That the seventh and eighth sections of said act shall be enforced when, at any August election in the present or two next succeeding years, a majority shall vote for the road, as provided in section nine of said act: *Provided*, That the election shall be advertised and conducted in all respects as provided by section nine of said act, except the same shall be on the first Monday in August, instead of the time named in said act.

Approved February 6, 1861.

## CHAPTER 87.

AN ACT to repeal an act, entitled "An act for the benefit of Rudolph Black, of Bracken county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of Rudolph Black, of Bracken county," approved February 22, 1860, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1861.

## CHAPTER 88.

AN ACT to change the boundary of Holly precinct, in Breathitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the boundary of the Holly precinct, in Breathitt county, be so changed as to include the left hand fork of main Frozen creek down to the forks thereof; thence with the South and Crook line to the north fork of the Kentucky river, including the residence of Ira B. Tolba; thence so as

## LAWS OF KENTUCKY.

1861. to include Mill creek and War creek to the Owsley county line; and the voting place in said district shall be at the mouth of Little Frozen.

§ 2. This act to take effect from its passage.

Approved February 6, 1861.

## CHAPTER 89.

AN ACT for the benefit of the town of Midway.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the chairman and board of trustees of the town of Midway, in Woodford county, be, and they are hereby, authorized to erect in said town a corporation lock-up, to be used for the custody and safe-keeping, until trial or examination, of any and all persons, white or black, who may have been legally arrested for violation of the public peace, or ordinances, by-laws, and regulations of said town.

§ 2. That the marshal of said town may proceed to collect the taxes of said town at any time after the assessment thereof has been completed, and the tax-book received by him.

§ 3. This act shall take effect from its passage.

Approved February 6, 1861.

## CHAPTER 90.

AN ACT to amend an act incorporating the town of Brownsville, in Edmonson county, approved February 15, 1860.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, approved February 15th, 1860, incorporating the town of Brownsville, be so amended as to legalize the election of the officers of said town held on the 13th day of October, 1860, by J. E. Bacon and P. B. McIntire, judges of said election; and the officers thereby elected shall have all powers and privileges; and all by-laws passed by the trustees thus elected, not contrary to the above said act, shall be in full force and effect as if the election had been held by the persons named in the 2d section of said act.

§ 2. That all persons feeling themselves aggrieved by trial of the penal laws of the statute governing towns, together with the by-laws passed by the trustees of said town, shall have the right of an appeal as now fixed by law.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1861.

CHAPTER 91.

1861.

AN ACT for the benefit of A. A. Nelson.

WHEREAS, It is represented to the General Assembly that A. A. Nelson, of Benton, Marshall county, is the owner and keeper of a tavern in said town; and adjoining his premises there is a street, of some sixty or seventy yards in length, that has never been opened. The former owner of said tavern sunk a well for the use and benefit of his guests, which turned out to be some ten feet from the line of said premises, and in this street. The purchase by the present owner carried with it the right to said well, but really it is on public ground; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the town of Benton be, and they are hereby, authorized and empowered to grant unto A. A. Nelson the exclusive ownership to said well during the time he continues to be the owner of said public house, to the same extent that he might or could have if the same was on his own premises: *Provided*, That none of the citizens of Benton shall be prohibited from using water out of it unless they misuse it, or the inclosure or fixtures thereof.

§ 2. This act to be in force from its passage.

Approved February 6, 1861.

CHAPTER 93.

AN ACT for the benefit of Wm. Sutherland, of Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William Sutherland be, and he is hereby, authorized to erect a fish-dam across the Beech Fork, in Nelson county, at Dacon's ripple, where the land of said Sutherland bounds on said stream, and that he be liable for any damage from overflow or obstruction to navigation.

§ 2. This act to take effect from its passage.

Approved February 6, 1861.

CHAPTER 94.

AN ACT to amend the charter of the Leavell Green and Sugar Creek turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, approved 15th of February, 1860, incorporating the Leavell Green and Sugar Creek turnpike road

**1861.** company, be so amended as to allow the said road to intersect the Lexington and Lancaster turnpike at any point on said road between the residence of R. B. Dunn and Benjamin Mullins.

§ 2. That Benjamin Robinson, Cooper Dunn, and William Collier, are appointed commissioners, with the same powers of the commissioners appointed in the act of incorporation.

Approved February 7, 1861.

#### CHAPTER 96.

AN ACT to change the voting place in district No. 9, in Hardin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the voting place in district No. 9, in Hardin county, be, and the same is hereby, changed from C. Smith's to Crutcher's school-house.

§ 2. This act to take effect from its passage.

Approved February 7, 1861.

#### CHAPTER 97.

AN ACT amending acts incorporating the town of Moscow, in Hickman county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the limits of the town of Moscow, in Hickman county, be so extended as to include the residence of D. P. Johns.

§ 2. That Hick. Henderson, J. B. Morris, and D. P. Johns, or two of them, are hereby appointed judges of the election for officers of said town, who, after having taken an oath impartially to discharge their duty, shall, on the first Saturday in April, 1861, after having given three days notice by written advertisement, posted at three or more public places in said town, proceed to the election of five trustees, a police judge, and town marshal; and if said election is not holden on that day, they may hold it on any day during the year 1861.

§ 3. That an act, entitled "An act to incorporate the town of Brownsville, in Edmonson county," approved February 15, 1860, be, and the same is hereby, made to apply to the town of Moscow in all its provisions, except the first and second sections thereof; and in all places where the word Brownsville occurs it shall be taken to ap-

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ply to Moscow; and when the words Edmonson county occur, they shall be taken to apply to Hickman county. 1861.

§ 4. All acts heretofore passed incorporating the town of Moscow, except such as relate to the boundaries thereof, are hereby repealed.

§ 5. This act to take effect from its passage.

Approved February 7, 1861.

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### CHAPTER 98.

AN ACT to authorize the Boone county court to sell and convey the poor-house lands, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Boone county (a majority of the justices of said county concurring) be, and is hereby, authorized to sell and convey the poor-house lands in said county, and invest the proceeds thereof in other lands in said county for poor-house purposes; and said court may, at its discretion, appoint a commissioner to make the sale and purchase provided for in this act, and may make all orders necessary to effect the object of this act.

§ 2. This act shall take effect from its passage.

Approved February 7, 1861.

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### CHAPTER 99.

AN ACT to authorize the sale and conveyance of the poor-house and poor-house lands in Henry county.

WHEREAS, It appears that the poor-house in Henry county is not used by the county, there being no inmates and no applications for admission therein; and whereas, the county court of said county have petitioned the Legislature for authority to sell the same; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John Morris and J. Wilhoite, who have been designated by the county court of Henry for that purpose, be, and they are hereby, authorized to sell the poor-house and poor-house lands in Henry county, under such regulations and upon such terms as the county court of said county may direct, and to convey the same by deed of conveyance to the purchaser or purchasers, according to the laws now in force regulating the sale and conveyance of real estate in this Commonwealth.

§ 2. This act shall be in force from and after its passage.

Approved February 7, 1861.

# LAWS OF KENTUCKY.

1861.

## CHAPTER 100.

AN ACT for the benefit of John Cummins, late sheriff of Rockcastle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John Cummins, late sheriff of Rockcastle county, have time until the May county court, in said county, to return his delinquent list for the year 1860.

§ 2. This act to take effect from its passage.

Approved February 7, 1861.

## CHAPTER 101.

AN ACT authorizing the erection of a toll-gate on the Pleasant Hill and Jessamine County turnpike road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the president and directors of the Pleasant Hill and Jessamine County turnpike road company, be authorized and permitted to erect a toll-gate on said road, so soon as said road is finished from Pleasant Hill to the Towers.

§ 2. This act to take effect from its passage.

Approved February 7, 1861.

## CHAPTER 103.

AN ACT amending an act incorporating the city of Columbus.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That article 4, section 1, of an act, entitled "An act to incorporate the city of Columbus," be so amended as to fix the term of office of the mayor of said city at two years, instead of four years, as now provided by law.

Approved February 7, 1861.

## CHAPTER 105.

AN ACT to authorize the sale of the Falmouth bridge, in Pendleton county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the Falmouth Bridge Company has erected a wire suspension bridge across Licking river, at Falmouth, and in the erection of the same said company is indebted for moneys borrowed, expended, and appropriated to the building of the same, in the

aggregate the sum of eight thousand seven hundred and three dollars and twenty-five cents; and that the annual proceeds of the tolls are not sufficient to pay the interest upon debts, much less the principal; and that the bridge is in a dilapidated state and needs repairs, and that said company has not the means to make them; wherefore, for remedy whereof, and to enable said company to adjust and close its concerns,

1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the chancellor of the Pendleton circuit court shall have equitable jurisdiction and power to sell by its order or decree, if upon full investigation found necessary, the Falmouth bridge, with all its appendages, and all the property of the Falmouth Bridge Company, real and personal, right of way and franchises, owned by said company; the proceeds of such sale or sales to be appropriated, as hereinafter directed, to the payment of the debts of said company, and the remainder to be divided pro rata among the stockholders who have in part, or in whole, paid in their stock subscriptions.

Chancellor  
may decree sale  
of bridge.

§ 2. That the purchaser or purchasers of the same shall be substituted to all the rights, powers, and privileges of said company, and may organize themselves in such manner as they may deem proper, into a company hereby incorporated, under the name and style of the Falmouth Bridge Company, and shall thereafter possess all the powers and privileges of the existing company; and that the Pendleton county court, a majority of all the justices concurring, shall have the right and privilege of becoming a purchaser, and making the same the property of the county, as a free or toll bridge, at their option; and to levy and collect, as under existing laws regulating county levies and bridges, money necessary to pay therefor.

Privileges of  
purchaser.

Corporate  
name.

Right of Pen-  
dleton county  
court.

§ 3. That it shall and may be lawful for the acting directors, a majority concurring, or their successors, to file a petition in equity, in the Pendleton circuit court, setting out in said petition, as near as may be, the particular items of property of all kinds belonging to said company, the annual tolls received, and expenditures for repairs, and toll-collectors, and the debts of said company so far as known; and at the first term of said court, after filing the petition, or at the term at which it is filed, the court shall refer the petition, with the papers in the case, to the master commissioner of the court, or special commissioner appointed by the court, to ascertain and report the property of every description belonging to the company, its annual income and expenditure, and ascertain and report the debts and demands of all kinds against the company; and day shall be fixed by the court, with power given to the commis-

Proceedings of  
Pendleton cir-  
cuit court.

1861.

sioner to adjourn from time to time; on or after which the creditors of the company shall be required to prove their debts before the commissioner, of which time fixed by the court reasonable notice shall be given, by public advertisement at the court-house, (a court intervening.) at Demossville, McKinneysburg, Flower Creek, and Callensville, in said county, and the newspapers published at Cynthiana, and in such other mode, and for such length of time, as the court may direct. The commissioner shall take his proof as to the property of, and the debts against, said company in writing, and report the same to the court; and also the debts allowed by him, and those contested and not contested, and fully exhibit the situation of the company in its pecuniary relations.

Sale of property  
to be ordered.

§ 4. The court upon the return of the commissioner's report, if it shall be found that the company are unable to pay its debts, shall order the sale of its property aforesaid, and apply the proceeds of the sale, or sales, to the payment of its debts: *Provided*, That a priority and first lien shall be given, upon the proceeds of the sales, to the payment of such debts as are for moneys borrowed, and applied to the appendent realty and to the erection of the bridge; and if not sufficient, to a pro rata division among them; and the surplus over and above there, if any, to a pro rata division among the stockholders who have paid in their stock in full, or in part.

Who parties  
to petitions &  
claims contest-  
ed,

§ 5. That it shall be lawful for any claimant or creditor, who has made his appearance by asserting his claim, or as creditor—and all such shall be deemed parties to the petition—to contest the claim of any one seeking to prove a debt, and exceptions may be taken to the report of the commissioner for or against a claim, and the same shall be determined by the court, or the court may direct an issue to be made and tried by a jury, in accordance with the constitution and laws in similar cases; and the court may proceed at once to cause uncontested claims to be paid, reserving only the ratable portion for claims contested; and the court shall have full power and authority to enjoin proceedings at law, and to take all necessary steps and make all proper orders to carry this act into effect, and for the preservation and the rendering productive the property of the company, the tolls, and the proceeds of the sales during the pendency of the proceedings.

Filing petition,  
&c.

§ 6. That it shall be no objection to the referring the petition filed to a commissioner, that the process has not been served upon the parties; and proof by the commissioner may be taken of claims offered, whether the person offering is named as a party in the petition or not; and all persons, whether their claims are allowed or rejected by the commissioner or the court, shall be entered of record



as parties to the petition, and the proceedings shall be a bar to all further or other claims against the company and a final settlement of the concerns thereof.

1861.

§ 7. That it shall be lawful for the commissioner at his own instance, or that of any party interested, to examine any claimant or creditor by written interrogatories, touching the amount or justice of his claim against the company, or to any matter connected with it to which written responses shall be made; and no claim or demand against said company shall be allowed, unless legally or equitably due and sustained by proof; and the interest covenanted to be paid upon moneys borrowed by said company, or by any person or persons to its use; and *bona fide* applied in the erection of said bridge, or procuring or improving the appendent realty, shall be allowed and paid; the commissioner shall have authority to issue a notice or summons to bring parties and witnesses before him; and to administer the necessary oaths or affirmations; and the same power to punish for contempt to his process or contempt whilst under examination before him, as justices of the peace, or may at his option refer the same to the circuit court to dispose of.

Comm'r may examine creditor, &c.

§ 8. That the court shall make to the master, or special commissioner acting under the provisions of this act, reasonable compensation for his services, to be paid, together with the costs of the proceedings, as the court may direct.

Compensation of commiss'rs.

§ 9. That the commissioner may examine the president, or any member of the board of directors, their predecessors or successors in office, touching his or their knowledge as to outstanding debts or claims against the company, or the expenditures of moneys borrowed, or of stock paid in or subscribed, and report in writing to the court; and when the commissioner's report has been returned and filed, and time given for exceptions has expired, any person interested, or party, may, by motion, call up the report for decisions upon the exceptions taken, and for an order of distribution; and it shall be the duty of the court during the term to decide the exceptions and proceed to distribution, or recommit the report for further proceedings, according to right and justice, or finally to dispose of the whole case by its orders, decree, or judgment, according to the provisions of this act, equity and right; and such final disposition shall be a bar to all further or other suits against the company: *Provided*, That no person interested and made party to the proceedings, shall be precluded from prosecuting an appeal to the court of appeals, according to the provisions of existing laws regulating appeals in other cases.

Comm'r may examine president, &c.

§ 10. This act shall take effect from and after its passage.

Approved February 7, 1861.

1861.

## CHAPTER 106.

AN ACT for the benefit of school district No. 54, in Allen county.

WHEREAS, It appears to the General Assembly that a common school was duly taught during the year 1860, in school district No. 54, in Allen county; and that in consequence of sickness of the teacher thereof, said school was not taught for the entire period of three months, as required by law; but the three months' tuition therein have been completed during the present year; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the school commissioner of Allen county be authorized and empowered to report said district No. 54, for the year 1860, to the Superintendent of Public Instruction, and that an allowance be made thereto as to a three months' school: *Provided*, That a school shall be taught in said district, in addition to the time in the preamble mentioned, at least three months in 1861, to entitle it to an allowance for the present year.

§ 2. This act shall take effect from and after its passage.

Approved February 7, 1861.

## CHAPTER 107.

AN ACT to authorize the board of trustees of the town of Warsaw to appoint a marshal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the town of Warsaw are hereby authorized to appoint a town marshal, who shall be removable at their pleasure, and who shall be sworn faithfully to discharge the duties of his office, and shall execute bond with security, in an adequate penalty, conditioned to pay over all sums of money coming into his hands to the persons entitled thereto, and faithfully discharge the duties of said office; and upon his said bond he and his sureties shall be liable to pay any person aggrieved in the same manner that constables and sheriffs are liable. Said marshal shall have full power within the corporate limits of said town of Warsaw to serve all process and precept to him directed by the county judge, or any justice of the peace, in the same manner that constables may do the same.

§ 2. This act to be in force from its passage.

Approved February 7, 1861.

CHAPTER 108.

1861.

AN ACT to prohibit the destruction of fish in the north fork of Red river, in Logan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That if any person, from and after the passage of this act, shall capture or destroy fish out of the north fork of Red river, either by seines, dip-nets, skimmers, fish-traps, poison, or any other mode except by hook and line, on that portion of said stream owned by G. F. Ewing and George W. Ewing, which extends from the line of Dr. G. T. Simmons' land, running down and including said stream, to Shenck's ford, on said river, without the consent of said Ewing, shall be guilty of a misdemeanor; and each person so offending subject to a fine of not less than ten dollars nor more than fifty dollars, recoverable by warrant before any justice of the peace of Logan county, or by presentment to the grand jury thereof.

§ 2. That in case of an indictment by the grand jury, for a violation of this act, the whole of the fine imposed shall go to the Commonwealth to pay the juries.

§ 3. That any person who shall give information of a violation of this act, and prosecute the same, shall have one half of the fine recovered.

§ 4. This act to be in force from and after its passage.

Approved February 7, 1861.

CHAPTER 109.

AN ACT to change election district No. 5, in Montgomery county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That election district No. 5, in Montgomery county, be so changed as to leave the public road leading from Mt. Sterling to the Olympian Springs, at the point where said road crosses Slate creek, and from that point run up Slate creek to the mouth of Little Slate creek; from thence up Little Slate to Bath line.

§ 2. This act to take effect from its passage.

Approved February 7, 1861.

## LAWS OF KENTUCKY.

1861.

### CHAPTER 110.

AN ACT to repeal an act, entitled "An act to authorize the citizens of the town of Warsaw to elect a police judge and marshal."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, approved February 12th, 1858, entitled "An act to authorize the citizens of the town of Warsaw to elect a police judge and marshal," is hereby repealed.

§ 2. This act to be in force from its passage.

Approved February 7, 1861.

### CHAPTER 111.

AN ACT authorizing a change of voting place in district No. 3, in Clarke county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the presiding judge of the Clarke county court be, and he is hereby, authorized to change the voting place in precinct No. 3, in said county, by proper orders entered upon the records of said court, or he may, in his discretion, establish two voting places in said precinct, instead of the one now provided by law.

§ 2. This act shall take effect from and after its passage.

Approved February 7, 1861.

### CHAPTER 112.

AN ACT to incorporate Moreland Lodge, No. 124, I. O. O. F.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Geo. W. Bain, Wm. Kenney, James A. Wilson, J. S. Kenney, O. H. Burbridge, and their associates, be, and they are hereby, created a body corporate, by the name and style of Moreland Lodge, No. 124, of the Independent Order of Odd Fellows, at Moreland, Ky.; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as a natural person, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure.

§ 2. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew

the same at pleasure; *Provided*, They be not in contravention of the constitution and laws and regulations of the grand lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States or of this State.

1861.

§ 3. The said corporation shall have power and authority to acquire and hold real and personal estate, not to exceed ten thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds.

§ 4. This act to go into effect from and after its passage; the right to alter, amend, or repeal is hereby reserved to the General Assembly.

Approved February 7, 1861.

### CHAPTER 113.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Louisville, for school purposes," approved February 28, 1860.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the funds dedicated to the maintenance of the Male High School, Female High School, and public schools of Louisville, by the provisions of an act, entitled "An act to amend the charter of the city of Louisville, for school purposes," approved February 28, 1860, together with the special tax of five cents on each one hundred dollars' worth of property, assessed for taxation within the city limits heretofore authorized to be levied and collected under the act, entitled "An act for the benefit of the public schools of Louisville," approved February 15, 1858, shall be collected in money by the collectors of city taxes, and as the same is collected and realized by the collectors of city taxes, shall be forthwith paid by said collectors, in weekly installments, or as required by ordinances regulating the payments of other taxes collected by them, to the secretary of the said board of trustees, taking his receipts therefor, which receipts shall be taken and treated by the general council as good and valid vouchers on a settlement with said collectors, at the end of each fiscal year; and for the same purpose, and no other, shall be appropriated the sum or sums which may be received from year to year, as the portion of the said city of the school fund of this Commonwealth; and all fines and forfeitures collected in the city court of Louisville, not otherwise appropriated by law, are hereby dedicated to the use of the said Male High School, Female High School, and the public schools of

Funds dedicated to certain schools — how collected and paid.

Fines in city court, &c.

1861.

Only one attorney to be paid.

Fines collected paid over by marshal.

Penalty upon marshal.

Certain proceeds for benefit of schools.

Male high school declared a college.

Louisville, except the thirty per cent. allowed to the attorney prosecuting in said court: *Provided, however,* That only one attorney shall be paid said per centum, and that whenever money shall be collected, or paid on process issued from the city court for account of fines or forfeitures, to which said schools shall be entitled by law, the same shall be forthwith paid over by the marshal or other officer collecting the same, into the hands of the secretary of the board of trustees of the Male High School, the Female High School, and the public schools of Louisville, and the receipts of said secretary shall be a sufficient voucher for said officer; and upon the failure of said marshal or other officer to pay over the same within thirty (30) days after the return day of any process issued by said court, that the said secretary have full power and authority to collect the same, by notice and motion, as in the case of sheriffs and other like officers, and under the same penalties. And as much as may arise from real, personal, or mixed property in the city of Louisville, which, from alienage, defect of heirs, or failure of kindred capable in law to take the same, shall escheat to the Commonwealth of Kentucky, and which is hereby declared vested in the said board of trustees, for the use and benefit of the Male High School, the Female High School, and the public schools of Louisville; and the said board of trustees, by the president thereof, or such officers as the said board may appoint for that purpose, shall enter upon and take possession of any and all such property, and by its title shall be a corporation, and in the name of its president may sue for and recover the same, or any chose in action, right, or credit of such decedent, and reduce the estate into possession as aforesaid, without office found; and the said board may sell, and the president thereof convey, all such property, by warranty deed or otherwise, as in the opinion of said board may be deemed to the best interest of the aforesaid schools.

§ 2. The Male High School shall be in fact, and in law, a college; the institution entitled to the rights, privileges, and immunities enjoyed by other colleges in this Commonwealth; and on the recommendation of its faculty, the board of trustees aforesaid shall have power to confer any and all degrees that may be lawfully conferred by any college or university in the Commonwealth of Kentucky, and attest the same by a diploma, under the seal of the institution, signed by the president, vice president, and secretary of said board of trustees, and the faculty of the said Male High School.

§ 3. That all acts, or parts of acts, coming in conflict with the above, be, and the same are hereby, repealed.

§ 4. That this act shall take effect from and after the date of its passage.

Approved February 8, 1861

## CHAPTER 114.

1861.

AN ACT to incorporate the Eddyville Union School.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Robert L. Cobb, F. H. Skinner, T. D. Yeiser, Jas. Lester, and W. B. Machen, and their successors in office, be, and they are hereby, created a body politic, with all necessary powers, to purchase land within the corporate limits of the town of Eddyville, or adjacent thereto, not exceeding five acres, for the purpose of permanently establishing an educational institution, to be known as the Eddyville Union School, with power to receive and collect subscriptions for said purpose, to sue and be sued, and do all other acts for the advancement of the general objects of such institutions, not inconsistent with the constitution or laws of this State, embracing therein the power, to receive by donation any lands or other property designed for the use or advancement of said object, to sell and convey the same, and make use of all funds thus realized for the benefit of said school, with the right and power of filling all vacancies in the aforesaid board of corporators, a majority of said board concurring therein.

Approved February 9, 1861.

## CHAPTER 115.

AN ACT for the benefit of school district No. 65, in Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the trustees of school district No. 65, in Muhlenburg county, be, and are hereby, allowed the further time of three months to make their report to the commissioner of said county, and when said commissioner reports the same to the Superintendent, the Auditor is hereby authorized to draw his warrant on the Treasurer for the same, as directed by law, for the amount due said district.

Approved February 9, 1861.

## CHAPTER 116.

AN ACT to amend the charter of the Stanford and Houstonville turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Stanford and Houstonville turnpike road company be, and are hereby, authorized to grant to the

1861. Knob Lick turnpike company the power and authority to collect, from persons passing through their toll-gate, the usual rate of toll per mile for traveling on that portion of the Stanford and Houstonville road which lies between the toll-gate and the town of Stanford.

§ 2. This act to have effect from its passage.

Approved February 9, 1861.

## CHAPTER 118.

AN ACT to incorporate the LaGrange Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the literary institution heretofore established and conducted by Mrs. N. L. Dougherty and her assistants, in the town of LaGrange, by the name of the "LaGrange Female School," shall hereafter be known by the title of the "LaGrange Female Academy."

§ 2. That the aforesaid Mrs. N. L. Dougherty, as principal, and Rob. Morris, LL. D., Rev. J. Trimble, D. D., H. L. Givens, M. D., S. E. DeHaven, Esq., L. E. Goslee, M. D., R. A. Logan, Esq., Rev. G. B. Moore, and Rev. S. S. Deering, as a board of trustees, and their successors, shall be a body politic and corporate, by the name and style of the Principal and Board of Trustees of the "LaGrange Female Academy;" and as such shall have perpetual succession, and a seal of the academy.

§ 3. That the principal, with the consent of the board of trustees, shall have power to direct the course of study, to appoint such assistant teachers as may be necessary to a thorough course of English and classical instruction, and make such laws and regulations as may be deemed expedient for the government of the academy.

§ 4. That the board of trustees shall elect from their number a president and such other officers as may be necessary for the transaction of business; shall fill vacancies in the board, (four members constituting a quorum); shall, in case of the death or resignation of the principal, appoint her successor; shall visit the academy; attend the annual examinations, and give such counsel to the principal as the interest of the academy may require.

§ 5. That the principal and teachers shall have power, with the consent of the board of trustees, to confer degrees and grant diplomas signed by the principal, teachers, and board of trustees, together with the seal of the academy, which shall be as valid as those conferred by any other institution or college in the State: *Provided*, That no degree be conferred upon any of the students but those who shall



have completed the prescribed course of study, passed a satisfactory examination, and who shall have maintained a good moral character.

1861.

Approved February 9, 1861.

CHAPTER 119.

AN ACT to extend the boundary and amend the charter of the town of Bloomfield.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town boundary of Bloomfield be, and is hereby, extended, so as to include the following boundary, to-wit: Beginning at the northeast corner of A. I. Davis' lot, in T. H. Miles' line, running thence westwardly and southwardly so as to include the lot of said A. I. Davis, Mrs. Yantis, Miss Moxley's, Jesse S. Wells, James Duncan, and C. S. Duncan, to the turnpike road; thence with said road to the northwest corner of the steam-mill lot; thence southwardly and eastwardly, so as to include the steam-mill lot and Garvis Hammon's lot; thence a straight line to the southwest corner of Dr. Gore's yard fence; thence eastwardly and northwardly so as to include Dr. Gore's yard, stable-lot, and the Baptist meeting-house lot, to the Bloomfield and Chaplin turnpike road; thence with said road to the southeast corner of H. E. Stone's yard fence; thence northwardly and westwardly, so as to include said Stone's yard and garden, and with L. McKay's line, and the graveyard line, to the Big Spring turnpike road; thence with said road to the northeast corner of Charles Davis' lot; thence westwardly and southwardly, so as to include the lots of said Davis and T. H. Hobbs.

§ 2. That the offices of police judge and town marshal are hereby created in the town of Bloomfield.

§ 3. That the qualified voters of said town shall, on the first Monday in May, 1861, and on the same day every second year thereafter, elect a police judge and town marshal, who shall hold their offices until their successors are elected and qualified.

§ 4. That sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, of an act, entitled "An act to establish a police court in the town of New Haven," passed and approved February 15, 1858, be, and the same are hereby, incorporated and made a part of this act.

§ 5. This act to take effect from its passage.

Approved February 9, 1861.

1861.

## CHAPTER 121.

AN ACT for the benefit of Wilson Brown, of Rockcastle county.

WHEREAS, It appears to the satisfaction of the present General Assembly of the Commonwealth of Kentucky that Wilson Brown, of Rockcastle county, Ky., being now old and infirm, a soldier of the war of 1812, and whose infirmities are the results of exposure and deprivation under the rigors of a winter in Canada, whilst in the service of his country; wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the application of the said Wilson Brown to the Rockcastle county court, and his compliance in said court with the laws in relation to granting tavern licenses in this Commonwealth, without paying a tax therefor, the county court aforesaid shall grant him the proper license to keep a tavern.

§ 2. This act shall be in force from the date of its passage.

Approved February 9 1861.

## CHAPTER 122.

AN ACT authorizing the Richmond and Lexington turnpike road company to change a toll-gate on said road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of directors of the Richmond and Lexington turnpike road company be, and they are hereby, authorized to remove the fifth toll-gate of said road to any point nearer the town of Richmond than where it is now located: *Provided*, Said new location shall not be within one mile of the Richmond terminus of said road.

§ 2. This act to be in force from its passage.

Approved February 9, 1861.

## CHAPTER 123.

AN ACT for the benefit of W. H. Caplinger.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. H. Caplinger, late sheriff of Oldham county, have the further time of two years, from and after the passage of this act, in which to collect his uncollected fees as sheriff of said county, subject to all the penalties now fixed by law for levying or collecting illegal fee bills.

§ 2. This act to take effect from its passage.

Approved February 9, 1861.

CHAPTER 124.

1861.

AN ACT for the benefit of the town of Liberty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the second and third sections of an act, entitled "An act to incorporate the town of Liberty, in Casey county," be, and the same are hereby, amended; and that the first election of officers therein mentioned be held on the first Monday in May, 1861, in the same way and manner as required in the act to which this is an amendment.

Approved February 9, 1861

CHAPTER 125.

AN ACT to authorize the marshal of Owensboro to appoint a deputy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the marshal of the town of Owensboro, by and with the consent of the board of trustees of said town, is hereby authorized to appoint a deputy, who shall be clothed with all the powers which his principal may lawfully exercise. Said marshal shall be responsible for the acts of said deputy in the same manner that sheriffs are responsible for the acts of their deputies, and may require said deputy to execute bond with such surety as he may think proper.

§ 2. That before said deputy shall enter upon the duties of his office, his appointment and qualification shall be entered on the records of the board.

§ 3. This act shall take effect from its passage; and all laws contrary to its provisions are hereby repealed.

Approved February 9, 1861.

CHAPTER 126.

AN ACT to amend the charter of Versailles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the watchman of the town of Versailles shall have power to obtain warrants and make arrests for all breaches of the peace or violations of any of the town ordinances of said town, and be entitled to the same fees as the marshal of said town.

§ 2. This act to take effect from its passage.

Approved February 9, 1861.

1861.

## CHAPTER 127.

AN ACT to amend the charter of the town of New Haven, in Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the marshal of said town, in the execution of the ordinances of the trustees, and the judgments of the police judge, and the collection of taxes, shall have all the power of levy and distress now vested by law in the sheriffs of the Commonwealth; the said marshal shall be overseer of the streets, and be required to keep the same in order, under the same regulations now governing surveyors of public highways; and whenever a *capius profine*, issued by the police judge, shall come to his hands, he may arrest and imprison the defendant or defendants in the county jail, until the same be satisfied.

§ 2. This act to take effect from its passage.

Approved February 9, 1861.

## CHAPTER 128.

AN ACT for the benefit of certain turnpike road companies in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the fines provided for in sections 25, 26, and 27 of chapter 103 of the Revised Statutes of Kentucky, title Turnpike and Plank Roads, shall be for the use of the turnpike road companies organized under the provisions of the Revised Statutes: *Provided*, That said committee shall prosecute the offenders under said sections.

§ 2. This act shall only apply to the county of Harrison.

§ 3. This act shall take effect from its passage.

Approved February 9, 1861.

## CHAPTER 129.

AN ACT to incorporate the Bowling-Green Water-works company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate  
name and pow-  
ers.

§ 1. That there shall be erected and established, in the town of Bowling-Green, a body politic and corporate, by the name of the Bowling-Green Water-works Company, with power and authority to construct and establish such houses, machinery, &c., within said town, or elsewhere, as may be necessary for the purpose of supplying said town and its inhabitants with water.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars, divided into shares of fifty dollars each; and the only business of said corporation shall be to supply the town of Bowling-Green and its inhabitants with water.

1861.

Capital stock.

§ 3. The said corporation may purchase, take, and hold in fee-simple, or for any less estate, any lands necessary for the objects of this act and for the convenient management of the concerns of the corporation, and may acquire the right to lay their pipes and aqueducts through any land through which it may be necessary to lay the same, and to repair the same when necessary; and may erect and establish such buildings, engines, machinery, and reservoirs as may be required for the purposes aforesaid. If the proprietors of any lands which the said corporation may need for any of the purposes aforesaid, or the right of way which the corporation may require for laying its pipes and aqueducts, do not agree with the company what price shall be paid therefor, then the company may acquire such land or right of way by a writ of *ad quod damnum*, in the same manner that turnpike road companies are authorized to do by the 103d chapter of the Revised Statutes, which took effect on the 1st July, 1852.

May hold real estate, & erect buildings, &c.

§ 4. The corporation is hereby authorized and empowered to take water from Big Barren river, or any other stream, and may lay its pipes or aqueducts under or over any railroad, highway, or street; but the same shall be done in such manner as not to obstruct or impede the passage thereon; and in laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes and aqueducts from time to time, said corporation shall not unnecessarily obstruct such highway or street; and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth and pavement to be replaced, so that the same shall be in as good condition as before the removal.

Where take water from, &c.

§ 5. In the laying and construction of the pipes and aqueducts in the town of Bowling-Green, the same shall be so laid and constructed that an abundant supply of water can be drawn therefrom for the extinguishment of fires; and said corporation shall furnish to the town of Bowling-Green water for the extinguishment of fires and for public use upon such terms as may be agreed between it and the authorities of said town.

In relation to laying pipes, &c.

§ 6. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted through its pipes or aqueducts to any corporation or person; and the said corporation may make all reasonable rules and regulations as to the manner and the times in which said water may be taken and used.

May sell water privilege.

1861.	§ 7. That George Lehman, Wm. Cook, A. G. Hobson, James M. Doneldson, T. C. Calvert, G. C. Rogers, S. A. Barclay, G. W. Claypool, D. J. Williams, and John E. Robinson, or any four of them, shall, within three years from the passage of this act, open suitable books in the town of Bowling-Green for the subscription of stock, first giving ten days notice of the time and place of opening the same, and may receive the subscriptions of individuals and corporations for stock; and it shall be the duty of the persons who may thus open the books for subscription, after the sum of five thousand dollars has been subscribed, to call a meeting of the stockholders, first giving public notice for at least ten days in one or more newspapers in Bowling-Green of said meeting, who may proceed to elect a president and six directors to govern and conduct the affairs of the company. Each director and the president shall be owner of at least one share of stock, and each stockholder shall be entitled to one vote for each share of stock he may own in the election of the president and directors, who shall hold their offices for one year and until their successors are elected and qualified; and when the term for which they were elected is about expiring, the president shall give ten days' notice, in a newspaper in Bowling-Green, of the approaching election; and all subsequent elections shall be held as the first. The board may fill any vacancies that may occur during the year, and they may adopt such rules and by-laws for the transaction of business as they may deem proper, not inconsistent with this act and the laws of the land.
Commissioners to open books.	
Officers--when elected.	
Directors to own stock.	
Term of office.	
Vacancies--how filled.	
Town of Bowling-Green may subscribe stock and become exclusive owner.	§ 8. The town of Bowling-Green, through its chairman and board of trustees, may subscribe for stock in said corporation, and if it deems best, shall have the privilege of subscribing five thousand dollars, when the books of subscription shall be closed; and it shall be entitled exclusively to all the privileges and franchises granted by this act, and shall be subject to all the duties in this act expressed as to said corporation, and shall proceed to execute the purposes and objects of this act; and the said town may issue her bonds for a sufficient amount to cover the cost of the water-works, and the said works shall stand pledged to secure the payment of the bonds, and the net proceeds of the water rents shall constitute a fund to pay the principal and the interest thereof, and shall be devoted to that purpose; and for the purpose of paying the expense of conducting and managing the water-works, and paying for the water used for public purposes, the chairman and board of trustees of said town may assess and collect, from time to time, a water rent of sufficient amount, in such manner as they may deem most equitable, upon all the lands and tenements adjoining or bounded upon any street, alley, square,
May levy and collect tax to pay for same.	

1861.

block, public ground, or premises, through which the water pipe may be laid; such assessment to have the force and be collected as town taxes; and no tax or water rent shall be levied or assessed for the purpose of paying for the use of the water for public purposes, or for paying the expense of conducting and managing the works, except upon the lands and tenements in the water district, and a general capitation tax: *Provided*, That the said chairman and board of trustees shall not subscribe said five thousand dollars and assume the privileges, rights, franchises, and duties as set out in this section, until they shall first submit an ordinance for said subscription to the qualified voters of said town, and a majority of the voters in said town shall approve the same; and to ascertain the opinion of the voters of said town as to the propriety of taking stock in said company, an election shall be held for that purpose at such time and place, and in such manner, as said chairman and board of trustees may prescribe.

§ 9. The town of Bowling-Green may, at any time after the organization of the said corporation, purchase of the said corporation, by its consent, its franchises and all its real and personal property, by paying therefor such a sum as, together with its receipts, will reimburse the whole amount expended, with an annual interest of ten per cent., after deducting therefrom any dividends which may have been made before such purchase.

Bowling-Green may buy out corporation.

§ 10. If any person shall willfully and maliciously defile, corrupt, or make impure, any water used by said corporation, or destroy or injure any pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet therein, shall forfeit to the use of said corporation treble the amount of damages sustained thereby; and shall be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding one year.

Penalty for making water impure or injuring property

§ 11. The said corporation, in its corporate name, may sue and be sued; plead and be impleaded; contract and be contracted with; and do all other acts necessary and proper for the purposes of the incorporation.

May sue and be sued.

§ 12. If all of the stock is not subscribed when the books are first opened, the president and directors may again open said books for the subscription of stock, or may sell, or otherwise dispose of, said stock.

Books may be re-opened.

§ 13. Certificates of stock shall be issued to the holders thereof, when the same shall be paid for; and stock in this company shall be considered and pass as personal estate, and shall be transferable on the books of the company, as the president and directors shall, by their by-laws, prescribe.

Certificates of stock issued.

1861.

Who manage  
works, if Bowl-  
ing-Green tak's  
\$5,000 in stock.

§ 14. If the town of Bowling-Green shall take the five thousand dollars of stock, as provided for in this act, and assume the franchises, privileges, rights, and duties of this corporation, the management and control of the water-works shall devolve upon the chairman and board of trustees of said town; or said chairman and board may elect five persons, who shall be called the water commissioners, and they may control and manage the business as provided in the case of president and directors, and shall hold their office for one year, and shall be subject to the control and direction of said chairman and board of trustees; and they shall make a report every three months to said chairman and board of trustees of all their actings and doings.

§ 15. This act shall take effect from its passage.

Approved February 9, 1861.

## CHAPTER 131.

AN ACT creating the Deposit Bank of Greenville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Commissioners  
to obtain sub-  
scriptions.

§ 1. That George W. Short, Edward R. Weir, Sanders Eaves, John S. Eaves, jr., and Jonathan Short, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or a majority of whom, may meet at some convenient time and place, in the town of Greenville, of which one month's previous notice shall be given, by posting notices at four public places in Muhlenburg county, at which time and place they may open books, and keep them open as long as said commissioners shall deem necessary, or until the stock is taken.

Capital stock.

§ 2. The capital stock of said institution shall not be less than twenty thousand dollars, nor more than fifty thousand dollars, divided into shares of fifty dollars each, which shall be personal estate, and transferable only on the books of the company, in such manner, and subject to such regulations, as the board of directors may prescribe.

When books  
may be closed.

§ 3. As soon as twenty thousand dollars shall have been subscribed to the stock of said company, the books of subscription may be closed and delivered over to the subscribers, who shall thereupon constitute a body politic and corporate, with the corporate name of "Deposit Bank of Greenville." They and their successors shall so continue for the term of thirty years; and may contract and be contracted with; sue and be sued; plead and be impleaded; and may exercise all the other powers usually incident to such corporations.

Corporate  
name and pow-  
ers.



§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and elect three persons, who shall be stockholders, to serve as directors of said institution until the first Monday in January following, and until their successors shall be elected. The annual meeting of the stockholders shall thereafter be held on the first Mondays in January in each year; but meetings may be held oftener, if the directors, or a majority of them, require it; and in all meetings of stockholders each person shall be entitled to one vote to every share of stock held by him. The officers shall hold their offices for one year, and until their successors shall be elected; but may be removed by a majority at any regular or called meeting of the stockholders. The directors may choose one of their number, or out of the other stockholders, as their president; may appoint a secretary and such other officers as they may require; fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and times of paying in the stock; shall have the general control of the affairs of the bank, and make such by-laws, rules, and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter or the by-laws, rules, and regulations which the stockholders, at their annual meetings, may from time to time prescribe.

§ 5. The directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders a committee shall be appointed, who shall, at least twice in each year, examine into the condition of the bank, and file their report in said bank, subject to the inspection of all the stockholders.

§ 7. The business of said bank shall be to receive money and bank notes on deposit, and it may allow the depositor such interest thereon as may be agreed on; to deal in gold and silver coin, bullion, bills of exchange, and promissory notes; to loan money, and buy and sell the stock of other companies and of the United States; but it shall not issue notes or bills, or certificates of deposit, or any other instruments intended for circulation as money. The promissory notes made payable to any person or persons, or order, or payable to this institution, or order, and negotiable and payable at their banking-house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted, or bought by the said institution, shall be, and they are hereby, put upon the same footing as foreign bills of exchange; and remedy may be had, jointly and severally, against the drawers and indorsers, and with the like effect, except as to damages, and except that in a

1861.

Directors to be elected.

Annual meeting—when held

Officers appointed—their compensation, &c.

Who to hold annual elect'n.

Committee appointed—to examine condition of bank.

Business of bank.

1861.

regular course of administration they shall have no other or greater dignity or priority of payment than other notes.

Dividends to  
be declared.

§ 8. The directors shall semi-annually declare dividends of the profits arising from the business of the bank.

Penalty for  
failing to pay  
deposits.

§ 9. Should any person make a deposit in said bank and be refused payment thereof on demand made for the same, according to the terms of deposit, and without lawful excuse, said bank shall pay to the depositor the amount of his deposit and fifteen per cent. damages on the amount thereof, to be recovered by suit in the Muhlenburg circuit court.

Deposits to be  
paid in gold or  
silver.

§ 10. Said bank shall pay its deposits in gold and silver or currency value of that deposited.

May hold real  
estate.

§ 11. The said bank may purchase, hold, sell, and convey any real or personal estate which may be necessary to carry out the object of its creation; and it may receive conveyances of real estate, or any other property, as may be necessary to secure any debt due or owing to it, or which may be sold for the payment of such debt.

To pay State  
tax.

§ 12. It shall be the duty of the president, on the first day of July in each year, after the bank shall have been organized, to pay to the treasury of this State twenty-five cents on each hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, That the Legislature may increase or diminish the same; but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

Forfeiture of  
charter — how  
declared.

§ 13. This charter shall be forfeited by the violation of any of the provisions thereof. The circuit court shall have jurisdiction to try the question of forfeiture; the action shall be by ordinary proceedings, alleging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the Attorney General, when directed by the Legislature. The Legislature shall have the right to investigate the situation and affairs of said institution by any committee they may appoint for that purpose, and shall have the right to alter, amend, or repeal this act at pleasure.

§ 14. Said bank shall be located in Greenville.

Stockholders  
liable.

§ 15. If, at any time, the charter of said Deposit Bank shall be forfeited as herein provided, or a depositor shall be refused payment of the whole or any part of his deposit in said bank, according to the provisions of section 9 herein, in order to secure the payment of the debts of the bank, each and every stockholder shall be required to pay an amount equal to the stock he owned in said bank at the date of such forfeiture, or refused to the creditors of the bank; and to that extent shall be personally liable for the debts due from such bank; and upon his failure to pay the same, suit

may be instituted against the stockholders, jointly or severally, for the recovery of such debt or debts, in any court of competent jurisdiction for the recovery of the same.

1861.

§ 16. Said bank shall not charge for discounting notes a greater rate of interest than six per cent. per annum.

Rate of interest not to exceed 6 per cent.

Approved February 9, 1861.

## CHAPTER 132.

AN ACT to incorporate the Frankfort Cornet and String Band.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members, and those who may hereafter become members, of the Frankfort Cornet and String Band, of the city of Frankfort, in Franklin county, be, and they are hereby, created a body politic and corporate, by the name and style of "The Frankfort Cornet and String Band;" and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of purchasing and holding such personal property as may be required for the use of said band; to sell, convey, and dispose of all such property as they may now have, or may hereafter acquire.

§ 2. That the members of said corporation shall have power to pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States of this State, as may be necessary for the government of said corporation, the safe-keeping of its property, and other interests.

§ 3. That the management of the affairs of said corporation shall be, and is hereby, confided to a president, secretary, and treasurer, whose election shall be provided for in the by-laws of said corporation, and their successors in office, who, or any two of whom, shall have power, by and with the consent of a majority of those composing said corporation, to make all contracts pertaining to the property or business of said corporation.

§ 4. And jurisdiction is hereby given to any justice of the peace, or police judge, to render judgment for any fine or assessment that may be made against any member of said corporation, under the by-laws of the same, which shall be collected as other judgments are collected.

Approved February 11, 1861.

1861.

## CHAPTER 135.

AN ACT for the benefit of Richard M. Moore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Richard M. Moore be, and he is hereby, allowed the sum of seventy-five dollars, for services in conveying lunatics to the asylum at Hopkinsville, and the Auditor is directed to draw his warrant in favor of said Moore for that sum.

Approved February 11, 1861.

## CHAPTER 136.

AN ACT declaring Licking river a navigable stream from Licking Station to the Trace branch.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Licking river, from Licking Station to the mouth of the Trace branch, is hereby declared a navigable stream.

§ 2. That the county judge of Magoffin county shall appoint an overseer of said stream, who shall have the same power as surveyors of roads, to compel the citizens living on said stream to remove the obstructions from said stream; said persons shall be liable to the same fines as persons failing to work upon the public highways for failing to work upon said stream when notified by the overseer.

§ 3. All persons allotted to work on said water course shall be exempt from working on the road in Magoffin county.

Approved February 11, 1861.

## CHAPTER 141.

AN ACT to amend an act incorporating the Williamstown Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act incorporating Williamstown Academy, approved March 1st, 1860, be, and the same is hereby, amended by adding to the trustees named in said act Esau Bayers and Abraham Lingenfelter as additional trustees.

§ 2. That W. S. Rankin, James W. Collins, Alfred Kendall, N. C. Lewis, and William Smith, the trustees named in said original charter, together with the said Esau Bayers and Abraham Lingenfelter, be, and they are hereby, created a body politic and corporate, by the name and style of

the "Trustees of the Williamstown Academy," with all the rights, powers, and immunities conferred by said original charter, until their successors are elected by the stockholders.

1861.

§ 3. That the said stockholders, at some convenient time within two months from the passage of this act, to be fixed by said trustees, shall elect five trustees in their stead; and the number of said trustees thereafter shall not exceed five.

§ 4. This act shall take effect from and after its passage.

Approved February 14, 1861.

### CHAPTER 148.

AN ACT for the benefit of the Lexington and Newtown turnpike road company.

WHEREAS, The Lexington and Newtown turnpike road company has completed the road which its charter authorized it to make, and has paid off the entire debt incurred by its construction; and whereas, the entire capital stock of the company is represented by two hundred and three and one half shares, of one hundred dollars each, amounting in all to twenty thousand three hundred and fifty dollars, which is owned by individuals and by the county courts of the counties of Fayette and Scott; and whereas, the actual cost of constructing the road and keeping it in repair up to June 2d, 1860, has been fifty-two thousand six hundred and seventy-five dollars and forty-three cents, being an excess of thirty-two thousand three hundred and twenty-five dollars and forty-three cents over all the stock paid, besides the entire loss of interest on the stock paid in for many years; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said turnpike road company is hereby authorized, at its next annual meeting, by a vote representing the majority of shares now owned and held in said company, to issue to the holders of the present stock of the company extra stock to the amount of one share and a half for every share now held and owned in said company, so that the whole shares shall be five hundred and eight and three quarter shares, and shall represent the sum of fifty thousand eight hundred and seventy-five dollars as the capital stock of said company; and the said extra shares shall be of equal dignity, shall confer similar rights and obligations, and shall have the same force and effect as the shares previously issued.

§ 2. That every owner of stock in said company shall have one hand for every share of stock so owned and held by him exempted from working on the public roads and

1861. highways in the counties of Fayette and Scott, so long as he is the bona fide owner of said stock.

§ 3. That the net income from tolls collected on said turnpike road shall never exceed the rate of six per centum per annum upon the capital stock of the company; nor shall dividends on stock ever exceed that rate; and the rate of tolls authorized by law shall be so adjusted, from time to time, that the road may be made to produce a net dividend not to exceed six per centum per annum on said capital stock; and the tolls levied and collected shall be uniform at all the gates, and uniform as to the amount charged upon objects and articles of the same class and description: *Provided*, That said company shall not be allowed to increase the rates of tolls on their said road above the rates now fixed by law.

Approved February 14, 1861.

#### CHAPTER 144.

AN ACT to discontinue a portion of the State road in Kenton county.

WHEREAS, It is represented to the General Assembly that for a considerable distance in the county of Kenton the State road runs parallel with the Covington and Lexington turnpike road, and that the same is so located as to leave a narrow strip of ground between the State road and said turnpike; and whereas, it is also represented that the portion of said State road which is located as aforesaid is not now used as a highway; and whereas, application has been made by Weden O'Neal for an act to discontinue said portion of the State road; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the portion of the State road in Kenton county, commencing at a point opposite or nearly opposite the store-house of Fayette Byland, and extending thence northwardly to the point where said State road intersects the Covington and Lexington turnpike road, opposite or nearly opposite the carpenter shop of Thos. Carrant, be, and the same is hereby, discontinued; and hereafter the said State road shall intersect said turnpike road at a point opposite the store-house of Fayette Byland, as aforesaid; but the portion of said State road hereby discontinued shall not be closed up until said O'Neal, or his heirs or assigns, shall lay out, survey, and mark a passway, at least thirty feet wide, for the use and benefit of the owners and occupants of the farm known as the "Norman farm;" which passway shall be laid out in such place as W. L. Norman shall agree to, and shall lead to the Covington and Lexington turnpike; and whenever said Norman and O'Neal shall file, with thei

acknowledgment and signatures, said survey in the clerk's office of Kenton county, said clerk shall enter the same to record in a deed book, and thereupon this act shall take effect, but not otherwise.

1861.

Approved February 14, 1861.

CHAPTER 145.

AN ACT for the benefit of Wm. A. L. B. Sharp, late sheriff of Estill county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Wm. A. L. B. Sharp, late sheriff of Estill county, be, and he is hereby, allowed to list, with any constable of Estill county, the unpaid taxes and fee bills due him; and said constable shall have power to distrain for the same, subject to the same rules and regulations prescribed by law governing sheriffs; and said taxes and fee bills shall retain their distrainable character for two years from and after the passage of this act: *Provided*, That said sheriff shall be liable to all the penalties now imposed by law for issuing illegal fee bills.

§ 2. This act to take effect from its passage.

Approved February 14, 1861.

CHAPTER 146.

AN ACT for the benefit of Barboursville, Williamsburg, London, Mt. Vernon, and Sherburne.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 14th section of the 67th chapter of the Revised Statutes, title "Mills," shall not apply to the towns of Barboursville, in Knox county; Williamsburg, in Whitely county; London, in Laurel county; Mt. Vernon, in Rockcastle county, and Sherburne, in Fleming county.

§ 2. This act shall be in force from the date of its passage.

Approved February 14, 1861.

CHAPTER 147.

AN ACT to establish an additional voting precinct in Larue county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional voting district be established in the county of Larue, and elections to be held at Buffalo,

1861. bounded as follows: Beginning at Sidney Johnson's, on Green county line; thence to Harrison Eatherton's; thence to Martin H. Wathens'; thence down Bean's creek to the Furnace road; thence with the Elizabethtown road to David Phelps'; thence to Royal Hankley's, jr.; thence to Joseph H. Walters'; thence to Philip J. Thomas'; thence to Robert Friend's; thence to John McDaule's; thence to Medcalf's on the pike; thence to Joseph Williams'; thence to Frank Hallens'; thence to James Mitchell's; thence to James Dye's; thence with the Campbells' road to the Green county line; thence with the same to the beginning, including all the points mentioned.

§ 2. This act to take effect from and after its passage.

Approved February 14, 1861.

#### CHAPTER 149.

AN ACT for the benefit of E. G. Wright, late marshal of Mt. Sterling, and his securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That E. G. Wright, late marshal of Mt. Sterling, be, and he is hereby, allowed the further time of two years to collect the unpaid taxes due the corporation of the town of Mt. Sterling which were assessed during the incumbency of said E. G. Wright as marshal: *Provided*, The said E. G. Wright and his sureties in his official bond as marshal aforesaid, or either of them, execute bond with sufficient security, to be approved by the board of trustees of Mt. Sterling, conditioned that the said collection shall be under all the penalties provided by law for illegal distress.

§ 2. On the application of said E. G. Wright, or his sureties, the board of trustees of Mt. Sterling shall appoint a collector of said unpaid taxes.

§ 3. This act to take effect from its passage.

Approved February 14, 1861.

#### CHAPTER 151.

AN ACT to incorporate Harmony Lodge, No. 302, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of Harmony Lodge, No. 302, of Free and Accepted Masons, in the town of Mayfield and county of Graves, be, and they are hereby, created a body politic and corporate, by the name and style of Harmony Lodge, No. 302, with perpetual succession; and that by that



name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

1861.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to James D. Landrum, Philander K. Roots, and Thomas M. Ogburn, master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real or personal estate in any respect, either in purchasing, building, renting, selling, or for any and every other purpose, which shall be binding and obligatory upon said lodge when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process on any one of said trustees shall be sufficient notice to the said corporation.

§ 3. That all acts of said lodge heretofore, or any members thereof, in behalf of said lodge, touching the purchase, holding, sale, and conveyance of any property owned or enjoyed by said lodge or the members thereof, whether said acts may have been done as a lodge, or by a committee or trustees regularly appointed by said lodge, and in pursuance of the instructions thereof, be, and the same are hereby, legalized and confirmed as fully and effectually as if done in their present incorporated capacity as herein created; and that any property held by the members of said lodge in their incorporate capacity is hereby confirmed unto said lodge.

§ 4. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State, as may be deemed necessary for the protection, management, and safe-keeping of the property of said lodge.

§ 5. The General Assembly reserves the right to alter, amend, or change the act at pleasure.

§ 6. This act to take effect from and after its passage.

Approved February 14, 1861.

1861.

## CHAPTER 148.

AN ACT to incorporate the town of Pitt's Point.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporated,  
and boundary.

§ 1. That the town of Pitt's Point, in the county of Bullitt, be, and the same is hereby, incorporated under the name aforesaid; the boundary of the town to be limited as follows: Commencing at the corner of Rolling Fork and Salt River street; thence up Rolling Fork to Brown street; thence with Brown street to Froman street; thence with Froman street to the corner of lot No. 47; thence northeast to the corner of lot No. 47; thence northeast to the corner of lot No. 87; thence southeast to the corner of lot No. 68; thence southwest to Froman street; thence with Froman street to the Salt River street; thence with Salt River to the beginning.

Powers of trustees.

§ 2. A board of five trustees, who shall each be house-keepers, residing within the town limits aforesaid, shall have power to authorize the levy of taxes on the property of citizens, to be appropriated for the benefit of said town, either in building and constructing sidewalks, improving streets, or for such other purposes as will result beneficially to the welfare of the citizens of said town; no person to hold the office of trustee of said town who is not of the full age of twenty-one years. Said trustees shall have the additional power to grant license to establish coffee-houses for the accommodation of guests. Said trustees to be elected on the first Saturday in May, 1861, by the legal voters of said town, and hold their offices for the term of one year, or until their successors are elected or appointed. In case of vacancy by death, resignation, or other cause, of any one or more of said trustees, the remaining trustee or trustees to fill the vacancy by appointment.

May grant  
coffee-house li-  
cense.

Vacancies—  
how filled.

Police judge—  
his powers and  
duties.

§ 3. In addition, (on the 1st Monday in August next,) a police judge shall be elected, and commissioned by the Governor, for the term of four years, and whose jurisdiction shall be concurrent with a justice of the peace in civil actions in the magistrates' district in which said town is situated; said police judge, before election and qualifying as police judge aforesaid, shall possess all the constitutional and legal prerequisites, and be liable to all the penalties of an acting justice of the peace. In the same manner, and at the same time as aforesaid, a town marshal shall be elected for a term of two years, who shall have the same powers as a constable of Bullitt county, be subject to the same penalties, and possess, at the time of his election, all the constitutional and legal prerequisites now required for the office of constable. The marshal of said town, before he enters upon the duties of his office, shall give bond with approved

Town mar-  
shal—his pow-  
ers and duties.

security, conditioned according to law, and take the oath of office in the county court of Bullitt county, in the same manner and for the same purposes, and subject to the same penalties and restrictions, that constables are liable to by law for a breach of their bond; and he shall also give bond to the trustees of said town, with approved security, for his faithful performance of the duties of marshal, acting under the by-laws of said town; and for a breach of either of his said bonds he and his sureties may be proceeded against in the county court of Bullitt county by motion by the parties aggrieved. The board of trustees aforesaid may make such by-laws as they may deem right for the government of said town, not inconsistent with the constitution and laws of the United States and this Commonwealth.

1861.

May make by-laws.

§ 4. Each of the officers aforesaid shall qualify and enter upon the duties of their several offices on the 2d Saturday in May, 1861, by taking their several oaths of office as provided in the constitution of this Commonwealth before the probate judge, or some justice of the peace for Bullitt county.

When enter upon duties of office.

§ 5. This act to take effect from the date of its passage.

Approved February 14, 1861.

## CHAPTER 152.

AN ACT repealing "An act providing for the payment of the public debt of Greenup county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act providing for the payment of the public debt of Greenup county," approved March 3d, 1860, be, and the same is hereby, repealed.

§ 2. That the county court of Greenup county, a majority of the justices of the peace of said county concurring therein, may, at the court of claims in the year 1861, and at each succeeding court of claims, levy an ad valorem tax of not more than twenty cents on each one hundred dollars' worth of taxable property within said county subject to taxation for revenue purposes, until a sum sufficient to pay off the debt of Greenup county is raised thereby; the tax when so levied to be collected in the year next succeeding the levying of the tax. The levying of the tax herein provided for shall be within the discretion of said justices of the county, and they may omit to levy the said tax at any time when in their judgment it may be inexpedient to do so. When the county court of said county shall levy a tax as herein allowed, it shall be the duty of the sheriff of said county to collect the same; and he shall, at the same time he executes bond for the collection of the county levy, execute

1861. bond to the Commonwealth of Kentucky, with one or more sufficient sureties, to be approved by the county court, conditioned for the faithful collection of said tax and the disbursement thereof, as the court may provide; and he and his securities in such bond shall be liable to an action thereon for a failure to keep the conditions thereof. The said sheriff shall have the same power to distrain for said tax as now allowed by law in the collection of the State revenue, and under like responsibilities. The action herein provided for on the sheriff's bond shall be in the name of the Commonwealth of Kentucky, for the use of the Greenup county court, or for the use of any one aggrieved by a breach of the conditions of said bond.

§ 3. This act shall take effect from and after its passage.

Approved February 14, 1861.

#### CHAPTER 154.

AN ACT authorizing trustees of Baptist Church, in Shelbyville, to sell certain real estate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the trustees of the Baptist church, of Shelbyville, Kentucky, be, and they are hereby, empowered to sell and convey the lot of ground upon which the old Clear Creek Baptist church was formerly situated in Shelby county, also the house and lot in Shelbyville, Ky., formerly used by the African Baptist church, and also the old Baptist church building and lot situated in Shelbyville, and lately used by the Baptist church as a house of worship.

Approved February 14, 1861.

#### CHAPTER 155.

AN ACT to amend an act for the benefit of the trustees and citizens of the town of London.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the second section of the act approved March 1st, 1860, for the benefit of the trustees and citizens of the town of London, be, and the same is hereby, so amended as to authorize the election of police judge and marshal on the 1st Monday in March, 1861, and every two years thereafter, under the same rules and regulations as provided in the act to which this is an amendment.

§ 2. That so much of section four of said act as confers jurisdiction in civil cases on the police judge of said town be, and the same is hereby, repealed.

1861.

§ 3. That this act take effect from its passage.

Approved February 14, 1861.

### CHAPTER 156.

AN ACT for the benefit of the Presbyterian church at Mt. Sterling.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the Presbyterian church, in Mt. Sterling, be, and they are hereby, empowered to sell and convey a small strip of ground, running from the lot on which the church edifice is built to the alley leading from Main street to Mountain street.

§ 2. This act to take effect from its passage.

Approved February 14, 1861.

### CHAPTER 158.

AN ACT to amend the charter of Owenton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act the annual election for a chairman and board of trustees of the town of Owenton, in Owen county, shall be held on the first Monday in August in each year.

Trustees—  
when elected.

§ 2. That an election shall be held in said town on the first Monday in August, 1863, and on the first Saturday in May in every fourth year thereafter, for the election of a police judge for said town, who shall hold his office for the term of four years and until his successor is duly qualified, and shall exercise all the powers now conferred by law on the police judge of said town.

Police judge—  
when elected.

§ 3. That as soon as practicable after any election has been held for the office of police judge of said town, it shall be the duty of the officers holding said election to make out and transmit to the Governor of this Commonwealth a certificate of the election of the person who has been elected police judge of said town; and on the receipt of such certificate it shall be the duty of the Governor to issue to the person thus elected a commission similar to that issued to justices of the peace.

Vote transmit-  
ted to Governor

§ 4. That on the first Monday in August, 1862, and on the first Monday in August in every second year thereafter, an election shall be held in said town for the election of a

Marshal—  
when elected.

## LAWS OF KENTUCKY.

1861.

## CHAPTER 135.

AN ACT for the benefit of Richard M. Moore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Richard M. Moore be, and he is hereby, allowed the sum of seventy-five dollars, for services in conveying lunatics to the asylum at Hopkinsville, and the Auditor is directed to draw his warrant in favor of said Moore for that sum.

Approved February 11, 1861.

## CHAPTER 136.

AN ACT declaring Licking river a navigable stream from Licking Station to the Trace branch.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Licking river, from Licking Station to the mouth of the Trace branch, is hereby declared a navigable stream.

§ 2. That the county judge of Magoffin county shall appoint an overseer of said stream, who shall have the same power as surveyors of roads, to compel the citizens living on said stream to remove the obstructions from said stream; said persons shall be liable to the same fines as persons failing to work upon the public highways for failing to work upon said stream when notified by the overseer.

§ 3. All persons allotted to work on said water course shall be exempt from working on the road in Magoffin county.

Approved February 11, 1861.

## CHAPTER 141.

AN ACT to amend an act incorporating the Williamstown Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act incorporating Williamstown Academy, approved March 1st, 1860, be, and the same is hereby, amended by adding to the trustees named in said act Esau Bayers and Abraham Lingenfelter as additional trustees.

§ 2. That W. S. Rankin, James W. Collins, Alfred Kendall, N. C. Lewis, and William Smith, the trustees named in said original charter, together with the said Esau Bayers and Abraham Lingenfelter, be, and they are hereby, created a body politic and corporate, by the name and style of

the "Trustees of the Williamstown Academy," with all the rights, powers, and immunities conferred by said original charter, until their successors are elected by the stockholders.

1861.

§ 3. That the said stockholders, at some convenient time within two months from the passage of this act, to be fixed by said trustees, shall elect five trustees in their stead; and the number of said trustees thereafter shall not exceed five.

§ 4. This act shall take effect from and after its passage.

Approved February 14, 1861.

### CHAPTER 143.

AN ACT for the benefit of the Lexington and Newtown turnpike road company.

WHEREAS, The Lexington and Newtown turnpike road company has completed the road which its charter authorized it to make, and has paid off the entire debt incurred by its construction; and whereas, the entire capital stock of the company is represented by two hundred and three and one half shares, of one hundred dollars each, amounting in all to twenty thousand three hundred and fifty dollars, which is owned by individuals and by the county courts of the counties of Fayette and Scott; and whereas, the actual cost of constructing the road and keeping it in repair up to June 2d, 1860, has been fifty-two thousand six hundred and seventy-five dollars and forty-three cents, being an excess of thirty-two thousand three hundred and twenty-five dollars and forty-three cents over all the stock paid, besides the entire loss of interest on the stock paid in for many years; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said turnpike road company is hereby authorized, at its next annual meeting, by a vote representing the majority of shares now owned and held in said company, to issue to the holders of the present stock of the company extra stock to the amount of one share and a half for every share now held and owned in said company, so that the whole shares shall be five hundred and eight and three quarter shares, and shall represent the sum of fifty thousand eight hundred and seventy-five dollars as the capital stock of said company; and the said extra shares shall be of equal dignity, shall confer similar rights and obligations, and shall have the same force and effect as the shares previously issued.

§ 2. That every owner of stock in said company shall have one hand for every share of stock so owned and held by him exempted from working on the public roads and

1861. highways in the counties of Fayette and Scott, so long as he is the bona fide owner of said stock.

§ 3. That the net income from tolls collected on said turnpike road shall never exceed the rate of six per centum per annum upon the capital stock of the company; nor shall dividends on stock ever exceed that rate; and the rate of tolls authorized by law shall be so adjusted, from time to time, that the road may be made to produce a net dividend not to exceed six per centum per annum on said capital stock; and the tolls levied and collected shall be uniform at all the gates, and uniform as to the amount charged upon objects and articles of the same class and description: *Provided*, That said company shall not be allowed to increase the rates of tolls on their said road above the rates now fixed by law.

Approved February 14, 1861.

#### CHAPTER 144.

AN ACT to discontinue a portion of the State road in Kenton county.

WHEREAS, It is represented to the General Assembly that for a considerable distance in the county of Kenton the State road runs parallel with the Covington and Lexington turnpike road, and that the same is so located as to leave a narrow strip of ground between the State road and said turnpike; and whereas, it is also represented that the portion of said State road which is located as aforesaid is not now used as a highway; and whereas, application has been made by Weden O'Neal for an act to discontinue said portion of the State road; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the portion of the State road in Kenton county, commencing at a point opposite or nearly opposite the store-house of Fayette Byland, and extending thence northwardly to the point where said State road intersects the Covington and Lexington turnpike road, opposite or nearly opposite the carpenter shop of Thos. Currant, be, and the same is hereby, discontinued; and hereafter the said State road shall intersect said turnpike road at a point opposite the store-house of Fayette Byland, as aforesaid; but the portion of said State road hereby discontinued shall not be closed up until said O'Neal, or his heirs or assigns, shall lay out, survey, and mark a passway, at least thirty feet wide, for the use and benefit of the owners and occupants of the farm known as the "Norman farm," which passway shall be laid out in such place as W. L. Norman shall agree to, and shall lead to the Covington and Lexington turnpike; and whenever said Norman and O'Neal shall file, with thei



acknowledgment and signatures, said survey in the clerk's office of Kenton county, said clerk shall enter the same to record in a deed book, and thereupon this act shall take effect, but not otherwise.

1861.

Approved February 14, 1861.

#### CHAPTER 145.

AN ACT for the benefit of Wm. A. L. B. Sharp, late sheriff of Estill county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Wm. A. L. B. Sharp, late sheriff of Estill county, be, and he is hereby, allowed to list, with any constable of Estill county, the unpaid taxes and fee bills due him; and said constable shall have power to distrain for the same, subject to the same rules and regulations prescribed by law governing sheriffs; and said taxes and fee bills shall retain their distrainable character for two years from and after the passage of this act: *Provided*, That said sheriff shall be liable to all the penalties now imposed by law for issuing illegal fee bills.

§ 2. This act to take effect from its passage.

Approved February 14, 1861.

#### CHAPTER 146.

AN ACT for the benefit of Barbourville, Williamsburg, London, Mt. Vernon, and Sherburne.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 14th section of the 67th chapter of the Revised Statutes, title "Mills," shall not apply to the towns of Barbourville, in Knox county; Williamsburg, in Witley county; London, in Laurel county; Mt. Vernon, in Rockcastle county, and Sherburne, in Fleming county.

§ 2. This act shall be in force from the date of its passage.

Approved February 14, 1861.

#### CHAPTER 147.

AN ACT to establish an additional voting precinct in Larue county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional voting district be established in the county of Larue, and elections to be held at Buffalo,

1861. bounded as follows: Beginning at Sidney Johnson's, on Green county line; thence to Harrison Eatherton's; thence to Martin H. Wathens'; thence down Bean's creek to the Furnace road; thence with the Elizabethtown road to David Phelps'; thence to Royal Hankley's, jr.; thence to Joseph H. Walters'; thence to Philip J. Thomas'; thence to Robert Friend's; thence to John McDaugle's; thence to Medcalf's on the pike; thence to Joseph Williams'; thence to Frank Hallens'; thence to James Mitchell's; thence to James Dye's; thence with the Campbells' road to the Green county line; thence with the same to the beginning, including all the points mentioned.

§ 2. This act to take effect from and after its passage.

Approved February 14, 1861.

#### CHAPTER 140.

AN ACT for the benefit of E. G. Wright, late marshal of Mt. Sterling, and his securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That E. G. Wright, late marshal of Mt. Sterling, be, and he is hereby, allowed the further time of two years to collect the unpaid taxes due the corporation of the town of Mt. Sterling which were assessed during the incumbency of said E. G. Wright as marshal: *Provided*, The said E. G. Wright and his sureties in his official bond as marshal aforesaid, or either of them, execute bond with sufficient security, to be approved by the board of trustees of Mt. Sterling, conditioned that the said collection shall be under all the penalties provided by law for illegal distress.

§ 2. On the application of said E. G. Wright, or his sureties, the board of trustees of Mt. Sterling shall appoint a collector of said unpaid taxes.

§ 3. This act to take effect from its passage.

Approved February 14, 1861.

#### CHAPTER 151.

AN ACT to incorporate Harmony Lodge, No. 302, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of Harmony Lodge, No. 302, of Free and Accepted Masons, in the town of Mayfield and county of Graves, be, and they are hereby, created a body politic and corporate, by the name and style of Harmony Lodge, No. 302, with perpetual succession; and that by that

name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

1861.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to James D. Landrum, Philander K. Roots, and Thomas M. Ogburn, master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real or personal estate in any respect, either in purchasing, building, renting, selling, or for any and every other purpose, which shall be binding and obligatory upon said lodge when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process on any one of said trustees shall be sufficient notice to the said corporation.

§ 3. That all acts of said lodge heretofore, or any members thereof, in behalf of said lodge, touching the purchase, holding, sale, and conveyance of any property owned or enjoyed by said lodge or the members thereof, whether said acts may have been done as a lodge, or by a committee or trustees regularly appointed by said lodge, and in pursuance of the instructions thereof, be, and the same are hereby, legalized and confirmed as fully and effectually as if done in their present incorporated capacity as herein created; and that any property held by the members of said lodge in their incorporate capacity is hereby confirmed unto said lodge.

§ 4. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State, as may be deemed necessary for the protection, management, and safe-keeping of the property of said lodge.

§ 5. The General Assembly reserves the right to alter, amend, or change the act at pleasure.

§ 6. This act to take effect from and after its passage.

Approved February 14, 1861.

1861.

## CHAPTER 148.

AN ACT to incorporate the town of Pitt's Point.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporated,  
and boundary.

§ 1. That the town of Pitt's Point, in the county of Bullitt, be, and the same is hereby, incorporated under the name aforesaid; the boundary of the town to be limited as follows: Commencing at the corner of Rolling Fork and Salt River street; thence up Rolling Fork to Brown street; thence with Brown street to Froman street; thence with Froman street to the corner of lot No. 47; thence northeast to the corner of lot No. 47; thence northeast to the corner of lot No. 87; thence southeast to the corner of lot No. 68; thence southwest to Froman street; thence with Froman street to the Salt River street; thence with Salt River to the beginning.

Powers of trustees.

§ 2. A board of five trustees, who shall each be householders, residing within the town limits aforesaid, shall have power to authorize the levy of taxes on the property of citizens, to be appropriated for the benefit of said town, either in building and constructing sidewalks, improving streets, or for such other purposes as will result beneficially to the welfare of the citizens of said town; no person to hold the office of trustee of said town who is not of the full age of twenty-one years. Said trustees shall have the additional power to grant license to establish coffee-houses for the accommodation of guests. Said trustees to be elected on the first Saturday in May, 1861, by the legal voters of said town, and hold their offices for the term of one year, or until their successors are elected or appointed. In case of vacancy by death, resignation, or other cause, of any one or more of said trustees, the remaining trustee or trustees to fill the vacancy by appointment.

May grant  
coffee-house license.

Vacancies—  
how filled.

Police judge—  
his powers and  
duties.

§ 3. In addition, (on the 1st Monday in August next,) a police judge shall be elected, and commissioned by the Governor, for the term of four years, and whose jurisdiction shall be concurrent with a justice of the peace in civil actions in the magistrates' district in which said town is situated; said police judge, before election and qualifying as police judge aforesaid, shall possess all the constitutional and legal prerequisites, and be liable to all the penalties of an acting justice of the peace. In the same manner, and at the same time as aforesaid, a town marshal shall be elected for a term of two years, who shall have the same powers as a constable of Bullitt county, be subject to the same penalties, and possess, at the time of his election, all the constitutional and legal prerequisites now required for the office of constable. The marshal of said town, before he enters upon the duties of his office, shall give bond with approved

Town marshal—his powers  
and duties.

security, conditioned according to law, and take the oath of office in the county court of Bullitt county, in the same manner and for the same purposes, and subject to the same penalties and restrictions, that constables are liable to by law for a breach of their bond; and he shall also give bond to the trustees of said town, with approved security, for his faithful performance of the duties of marshal, acting under the by-laws of said town; and for a breach of either of his said bonds he and his sureties may be proceeded against in the county court of Bullitt county by motion by the parties aggrieved. The board of trustees aforesaid may make such by-laws as they may deem right for the government of said town, not inconsistent with the constitution and laws of the United States and this Commonwealth.

1861.

May make by-laws.

§ 4. Each of the officers aforesaid shall qualify and enter upon the duties of their several offices on the 2d Saturday in May, 1861, by taking their several oaths of office as provided in the constitution of this Commonwealth before the probate judge, or some justice of the peace for Bullitt county.

When enter upon duties of office.

§ 5. This act to take effect from the date of its passage.

Approved February 14, 1861.

## CHAPTER 152.

AN ACT repealing "An act providing for the payment of the public debt of Greenup county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act providing for the payment of the public debt of Greenup county," approved March 3d, 1860, be, and the same is hereby, repealed.

§ 2. That the county court of Greenup county, a majority of the justices of the peace of said county concurring therein, may, at the court of claims in the year 1861, and at each succeeding court of claims, levy an ad valorem tax of not more than twenty cents on each one hundred dollars' worth of taxable property within said county subject to taxation for revenue purposes, until a sum sufficient to pay off the debt of Greenup county is raised thereby; the tax when so levied to be collected in the year next succeeding the levying of the tax. The levying of the tax herein provided for shall be within the discretion of said justices of the county, and they may omit to levy the said tax at any time when in their judgment it may be inexpedient to do so. When the county court of said county shall levy a tax as herein allowed, it shall be the duty of the sheriff of said county to collect the same; and he shall, at the same time he executes bond for the collection of the county levy, execute

1861.

bond to the Commonwealth of Kentucky, with one or more sufficient sureties, to be approved by the county court, conditioned for the faithful collection of said tax and the disbursement thereof, as the court may provide; and he and his securities in such bond shall be liable to an action thereon for a failure to keep the conditions thereof. The said sheriff shall have the same power to distrain for said tax as now allowed by law in the collection of the State revenue, and under like responsibilities. The action herein provided for on the sheriff's bond shall be in the name of the Commonwealth of Kentucky, for the use of the Greenup county court, or for the use of any one aggrieved by a breach of the conditions of said bond.

§ 3. This act shall take effect from and after its passage.

Approved February 14, 1861.

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#### CHAPTER 154.

AN ACT authorizing trustees of Baptist Church, in Shelbyville, to sell certain real estate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the trustees of the Baptist church, of Shelbyville, Kentucky, be, and they are hereby, empowered to sell and convey the lot of ground upon which the old Clear Creek Baptist church was formerly situated in Shelby county, also the house and lot in Shelbyville, Ky., formerly used by the African Baptist church, and also the old Baptist church building and lot situated in Shelbyville, and lately used by the Baptist church as a house of worship.

Approved February 14, 1861.

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#### CHAPTER 155.

AN ACT to amend an act for the benefit of the trustees and citizens of the town of London.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the second section of the act approved March 1st, 1860, for the benefit of the trustees and citizens of the town of London, be, and the same is hereby, so amended as to authorize the election of police judge and marshal on the 1st Monday in March, 1861, and every two years thereafter, under the same rules and regulations as provided in the act to which this is an amendment.

§ 2. That so much of section four of said act as confers jurisdiction in civil cases on the police judge of said town be, and the same is hereby, repealed.

1861.

§ 3. That this act take effect from its passage.

Approved February 14, 1861.

### CHAPTER 156.

AN ACT for the benefit of the Presbyterian church at Mt. Sterling.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the Presbyterian church, in Mt. Sterling, be, and they are hereby, empowered to sell and convey a small strip of ground, running from the lot on which the church edifice is built to the alley leading from Main street to Mountain street.

§ 2. This act to take effect from its passage.

Approved February 14, 1861.

### CHAPTER 158.

AN ACT to amend the charter of Owenton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act the annual election for a chairman and board of trustees of the town of Owenton, in Owen county, shall be held on the first Monday in August in each year.

Trustees—  
when elected.

§ 2. That an election shall be held in said town on the first Monday in August, 1863, and on the first Saturday in May in every fourth year thereafter, for the election of a police judge for said town, who shall hold his office for the term of four years and until his successor is duly qualified, and shall exercise all the powers now conferred by law on the police judge of said town.

Police judge—  
when elected.

§ 3. That as soon as practicable after any election has been held for the office of police judge of said town, it shall be the duty of the officers holding said election to make out and transmit to the Governor of this Commonwealth a certificate of the election of the person who has been elected police judge of said town; and on the receipt of such certificate it shall be the duty of the Governor to issue to the person thus elected a commission similar to that issued to justices of the peace.

Vote transmit-  
ted to Governor

§ 4. That on the first Monday in August, 1862, and on the first Monday in August in every second year thereafter, an election shall be held in said town for the election of a

Marshal—  
when elected.

1861.

To give bond  
and take oath.

marshal of said town, who shall hold his office for the term of two years and until his successor is duly qualified, and who shall exercise all the powers now conferred by law on the marshal of said town: *Provided*, That before the marshal of said town shall proceed to discharge any of the duties or exercise any of the powers of a constable, he shall execute, in the county court of Owen county, with sufficient sureties, to be approved by the court, a bond conditioned as constable's bonds are required by law to be conditioned, and shall, in said court, take the oaths required by the constitution and laws to be taken by constables. The bond mentioned in this section shall be carefully preserved by the clerk among the records of the court, and may be put in suit in the same way that a constable's bond may be, and like remedies may be had thereon.

How elections  
held.

§ 5. That all elections held under this chapter shall be held in the manner now prescribed by law for holding elections in said town.

Term of office.

§ 6. That the term of office of the police judge and marshal of said town shall commence on the first Monday in September succeeding their election.

Town clerk and  
treasurer.

§ 7. That the board of trustees of said town shall have power to appoint the town clerk and town treasurer, and remove the same at pleasure.

§ 8. That all parts of acts in contravention of this act be, and they are hereby, repealed.

Approved February 14, 1861.

## CHAPTER 159.

AN ACT to amend the charter of the Lexington and Southern Kentucky railroad company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the proviso to the first section of an act to incorporate the Lexington and Southern Kentucky railroad company, approved March 2, 1860, be so amended as to read as follows, viz: *Provided*, That each shareholder in the said Lexington and Danville railroad association shall be entitled to, and own, the same amount of capital stock in the corporation created by the act to which this is an amendment, that they may hold, and be entitled to, in said association at the time this act takes effect, and such other amount pro rata, as the directors or a majority of them may determine: *Provided*, The total amount of said stock shall not exceed the sum of four hundred and fifty thousand dollars; and said stock, and any capital stock hereafter subscribed, shall be vendible and assignable in any manner that the company may determine by their by-laws.



1861.

§ 2. That the fourth section of the above recited act be so amended that the capital stock of said railroad company shall include all bonds and stock issued by said company; and the said bonds and stock shall together constitute the entire capital of the company: *Provided*, That to constitute such bonds as may be issued by the company a part of the capital stock, it shall be stated on the face of said bonds that the holders thereof shall be placed, in all respects, on the same footing as the stockholders in said company; and said company shall issue no bonds unless they contain upon their face the statement above required.

§ 3. That this amendment shall be submitted to the stockholders of said company, as now incorporated, at some regular meeting, and if adopted by a majority in interest, shall become of equal validity with the original charter of said company.

§ 4. This act shall take effect from and after its passage.  
Approved February 14, 1861.

## CHAPTER 160.

AN ACT to incorporate the American Workmen's Benevolent Association of Covington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. B. Heltemus, Wm. Nevins, H. E. Wilson, Jos. Mattingly, and John Herbert, and their associates and successors, be, and they are hereby, created a body corporate, by the name and style of American Workmen's Benevolent Association; and they and their associates and successors shall so continue, and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said association to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, and repeal this act is hereby reserved to the General Assembly.

§ 2. This act to take effect from its passage.  
Approved February 14, 1861.

1861.

## CHAPTER 161.

AN ACT to amend an act, entitled "An act incorporating the Salem Academy."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the Nelson Library Company, appointed in pursuance of an act, entitled "An act to incorporate the trustees of the Nelson County Library Company, and for other purposes," approved February 27th, 1847, and their successors in office, be, and they are hereby, declared to be the trustees of said Salem Academy; and said trustees of the Nelson County Library Company shall also be the trustees of the said Salem Academy, and exercise all the rights, powers, and duties of the said corporation of the Salem Academy.

§ 2. That in the event that any or all of said trustees shall resign, die, or in any manner forfeit their office, his, her, or their office shall be filled by the county court of Nelson as constituted by law; and so much of the fifth section of the above entitled act as requires a majority of all the justices of said court to be present and concur therein, be, and the same is hereby, repealed.

Approved February 14, 1861.

## CHAPTER 162.

AN ACT for the benefit of Springfield.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after the term of the present marshal expires that the marshal elected by the voters of Springfield, Washington county, shall execute bond as at present, except that the said bond shall be subject to the approval of the majority of the board of trustees of said town in session, as well as to the approval of the county judge.

§ 2. This act shall take effect from its passage.

Approved February 14, 1861.

## CHAPTER 163.

AN ACT for the benefit of W. G. Harrison and Anderson Graves.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of W. G. Harrison and Anderson Graves for the sum

of thirty-seven dollars and sixty cents, to be paid out of any money in the treasury not otherwise appropriated. 1861.

§ 2. This act to take effect from its passage.

Approved February 14, 1861.

### CHAPTER 164.

AN ACT for the benefit of William H. Middleton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William H. Middleton, late sheriff of Larue county, be, and he is hereby, allowed the further time of two years to collect his outstanding fee bills, and all taxes and fee bills he may have on hand, subject, however, to all the penalties now prescribed by law for issuing and distraining illegal fee bills and taxes.

§ 2. This act to take effect from and after its passage.

Approved February 14, 1861.

### CHAPTER 165.

AN ACT to amend the charter of Rochester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 10th section of an act, entitled "An act to establish the town of Rochester," is hereby so amended as to allow the trustees of said town five years from the passage of this act in which to build a bridge across Muddy river, on the terms and conditions therein specified.

§ 2. This act to take effect from its passage.

Approved February 14, 1861.

### CHAPTER 166.

AN ACT for the benefit of the Carlisle and Sharpsburg turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the purpose of raising means to enable the Carlisle and Sharpsburg turnpike road company to complete its road and relieve it from its present indebtedness, it shall be lawful for said company to issue and make sale of bonds for the payment, in ten years from their date, to the bearers thereof, of five hundred or one thousand dollars each, bearing interest at eight per centum per annum, payable semi-annually at the office of the treasurer of said

1861. company, in Carlisle, Nicholas county: *Provided*, That the aggregate amount of such issues shall not exceed ten thousand dollars: *And provided further*, That said Carlisle and Sharpsburg turnpike road, its rights, credits, and tolls, after keeping the same in repair, shall, and the same are hereby, pledged to the payment of said bonds and their interest.

§ 2. Said bonds shall be signed by the president of said company and attested by its clerk.

§ 3. This act shall take effect from its passage.

Approved February 14, 1861.

## CHAPTER 168.

AN ACT to incorporate the Carlisle Cemetery Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Company in-  
corporated.

Books opened  
for subscript'n  
of stock.

Obligation of  
subscribers.

When and  
where books to  
be opened.

Officers--when  
elected.

President.

§ 1. That a company shall be formed under the name, style, and title of the Carlisle Cemetery Company.

§ 2. That books for the subscription of stock in said company shall be opened on the 15th day of February, 1861, or as soon thereafter as convenient, in the town of Carlisle, in Nicholas county, under the direction of Joseph F. Tureman, Wm. P. Bruce, Robert Sims, John M. Chevis, W. J. Stitt, Fitch Munger, or any two or more of them, who are appointed commissioners; the said commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: We, whose names are hereunto subscribed, promise to pay to the trustees of the Carlisle Cemetery Company the sum of one hundred dollars for each share of stock by us respectively subscribed in said company, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this — day of —, 1861. The said commissioners, or a majority of them, shall give notice of the time and place of opening said book or books by written notices, posted up at two or more public places in the town of Carlisle, and by any other mode which the commissioners may adopt, and thus will keep the books open for one month from the time they may be first opened.

§ 3. That as soon as the books are closed the said commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for seven trustees, who shall hold their office for three years and until their successors shall be duly elected and qualified. Said board of trustees shall elect one of their own number as president of the

board, and shall have power to fill any vacancies which may occur by death, resignation, or removal from the county of Nicholas. Four trustees shall constitute a quorum to transact business. The seven trustees shall be elected by the votes of the stockholders; each stockholder shall be entitled to one vote for each share of stock subscribed by him; after the first election of trustees elections shall be conducted by two judges appointed by the board of trustees, and shall be held in every instance in the town of Carlisle, ten days previous notice having been first given by written advertisements, posted up in the town of Carlisle. The trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall always preserve an accurate map and survey of the grounds and lots hereinafter provided to be owned by them, and have said map and survey, and all conveyances to and by said corporation, recorded in the Nicholas county court clerk's office. Each trustee, before entering upon the discharge of his duties, [shall] take an oath to faithfully and impartially discharge the duties of his office to the best of his abilities. Said board of trustees shall have power to appoint a treasurer and clerk of the board, and such other officers as they may deem necessary, who shall hold the same for such terms as the board may prescribe. The treasurer shall execute a bond to the company, with two or more sufficient sureties, conditioned that he will faithfully discharge the duties of his office; that he will faithfully account for and disburse the money of the company upon the order of the trustees.

§ 4. That said trustees first elected, and their successors, shall be a body politic and corporate, and by the name of the Carlisle Cemetery Company shall have perpetual succession; they shall be capable of having and using a common seal, to sue and be sued, plead and be impleaded. The said company shall have power to purchase any quantity of land in Nicholas county not exceeding fifty acres, and receive proper conveyances for the same; the land and appurtenances thus purchased by said corporation shall be held solely and exclusively for a cemetery and ornamental grounds connected therewith: *Provided*, That any portion of said ground which may not be laid off into lots, and not appropriated to burial purposes, may, for the time being, be cultivated in the raising of vegetables and fruits, or either; said grounds so purchased shall never be alienated, sold, or used for any other purpose than burial lots, as hereinafter prescribed; and the proceeds of any part of the land which may be used for horticultural purposes as aforesaid shall be applied to the improvement and ornamenting of the grounds, fixtures, and buildings. The said grounds, fixtures, shrubbery, and everything growing therein, shall

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Quorum.

Who conduct elections.

Record of proceedings to be kept.

Trustees to take oath.

Treasurer and clerk to be appointed, &c.

Body politic and corporate.

May purchase land.

Grounds exempt from tax.

1861.

No public road  
through ceme-  
tery.

May hold  
bequests.

May invest  
spare means.

May lay out  
grounds.

To assign lots  
to stockhold'rs.  
and how.

Certificate of  
stock issue.

May sell burial  
lots, make by-  
laws, &c.

be forever exempt from State and county revenue, and shall not, after the ground has been fully paid for, be subject, in whole or in part, to be levied upon or sold by judgment or execution for any other debt or cause whatever. No road or passway other than those necessary for the use of said grounds shall ever be established through the grounds. The company may take by devise, gift, or bequest, any legacy or donation which may be made or given to said company, to be used and appropriated only to the ornamenting and improving of said grounds. They may invest in State or bank stocks, or loan out any spare means which they may have, from time to time, and appropriate the proceeds of such investments or loans only to the ornamenting and improvement of said grounds; but said company shall never exercise any banking powers.

§ 5. The trustees shall have power to lay out the grounds into lots, carriage and foot ways, and ornament the same; and from time to time alter, repair, and add such improvements thereto as may be necessary for the use or ornament of said cemetery and grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the company, shall apply the funds belonging to the same. Immediately after the lots are laid off, or as soon after as convenient, the trustees shall proceed to assign one or more lots (as may be determined on them by them) to each stockholder by lot, as follows: The name of each stockholder shall be put upon a separate piece of paper, which papers shall be put into a box, and after being thoroughly mixed by shaking the box, the president shall draw from the box one at a time, and by chance, each paper; and the person whose name appears upon the first paper drawn shall be entitled to choice of lot or lots, and so on in succession, until all have had lots assigned them; and the trustees shall give a certificate to each stockholder, under the seal of the corporation, signed by the president and countersigned by the clerk, which shall be evidence of, and vest the stockholder with, title to the lot so drawn by him; which title may be transferred in such manner and mode as the company by by-laws may prescribe; and if not transferred, shall descend or pass by devise as other real estate. The lots shall be used only for burial purposes and "ornamentation;" and if applied to any other use, the title shall revert to the company. The trustees shall have power to lay off and sell and convey burial lots, make by-laws and regulations for the sale of lots and for the control, management, and care of the cemetery grounds and graves, and manner of ornamenting the same, and make such other by-laws and regulations as may be necessary for the purposes of the corporation. They shall have power to appoint, from time to time, such superintendents, officers, and agents as they

may think necessary, and take such bonds from them as may be required. The proceeds of the sale of lots, and all money that may come to the corporation, or the profits thereof, shall be applied in all time to ornament and improve the grounds, to defray incidental expenses, the erection of necessary buildings and inclosures, and to the purchase of additional ground, should enough not be obtained by the original purchase.

1861.

How proceeds applied.

§ 6. Title to lots purchased of the company shall vest and pass as provided in the 5th section, and title to any such lot or lots shall revert to the corporation upon the misuse of them, as provided in said section.

Title to lots, &c.

§ 7. Said corporation may maintain and prosecute actions in the nature of actions of trespass against any person or persons who shall forcibly or without lawful authority violate any of the graves or deface any of the tombstones, monuments, or inclosures, or injure any of the graves or shrubbery, fixtures or buildings, or in any manner damage the grounds of the corporation; and the damages which may be recovered shall be applied first to the restoration, as far as possible, of any injury which may be done.

May maintain and prosecute actions.

§ 8. The trustees shall have power to make such regulations for the appropriation of parts of the cemetery grounds for the burial of strangers, sojourners, and the poor, as they may deem necessary and proper.

Burial of strangers.

§ 9. This act shall take effect from its passage.

Approved February 14, 1861.

## CHAPTER 169.

AN ACT to incorporate the Book and Tract Society of the M. E. Church South.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That George B. Poage, Samuel Kelly, Paul H. Hoffman, Stanton Field, John F. Medley, Jeremiah Wellman, D. D. Geiger, John Clark, David A. Mims, and Charles L. Roffe, their successors and associates, are created a body politic and corporate, by the name of "The Book and Tract Society of the Western Virginia Conference of the Methodist Episcopal Church South;" and by that name is capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as a natural person.

§ 2. That said society shall hold an annual meeting to elect a board of managers, of five ministers of the gospel and five lay members, all of whom shall be members of said church in good standing, and shall reside within the

1861.

bounds of said conference, and shall hold their office for twelve months, and until the appointment or election of their successors. The ceasing to be a member of said church, or removal from the bounds of the said conference, shall be a vacation of the office of manager; and the board of managers may supply any vacancy in the board of managers, which may occur from any cause, until the next annual election of said board. The time and place of the annual meeting of the society shall be regulated and fixed by its constitution or by-laws.

§ 3. That the business and operations of said company shall consist in establishing and perpetuating, in the town of Catlettsburg, Boyd county, a depository for books and tracts, stationery, &c., for sale at wholesale and retail; and the capital stock of said company shall not exceed one hundred thousand dollars, which may be obtained by subscriptions or otherwise; and said company may lease, receive by donation or purchase, from time to time, suitable real estate, within the town of Catlettsburg, for the purposes and uses of their business, and its officers and agents.

§ 4. That said company may, from time to time, make and establish a constitution for its government and control, and alter, amend, or change the same; and the board of managers may pass and adopt, from time to time, any and all necessary or needed by-laws for the good government and efficient management of the company's affairs and prudential concerns, not contrary to the laws and constitution of this State or of the United States, or this act.

§ 5. That the constitution and by-laws heretofore passed and established by said company and board of managers, shall be the constitution and by-laws of said society until changed, amended, or modified, as herein provided; and the present board of managers and officers of said company shall retain their offices until the next annual meeting of the society after the passage of this act; and the acts of said board of managers shall be valid.

§ 6. The General Assembly reserve the power to amend or repeal this charter at any time.

§ 7. This act shall go into effect from its passage.

Approved February 14, 1861.



## CHAPTER 170.

1861.

AN ACT to incorporate the Presbyterian Church of Greenupsburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Joseph Pollock, G. W. Darlington, and A. C. Van Dyke, and their successors, be, and are hereby, created a body politic and corporate, by the name and style of "The Trustees of the Old School Presbyterian Church, of Greenupsburg;" and by said name shall have perpetual succession; and, in their corporate name, have power to buy, take by devise or bequest, or by gift, or by deed, any real estate, not exceeding five acres, and any personal property, and to hold, convey, and otherwise dispose of the same, with all the powers incident to religious corporations, not inconsistent with the constitution of the United States or of this State; and shall sue, plead and be impleaded, so far as may be necessary to protect the property and rights of said church; and to hold and employ the property so acquired and held by them, and dispose of it, and make contracts about it, solely for the use and purpose of carrying out and promoting the religious interest of said church.

§ 2. In case there should be a vacancy in the trustees, then the session of said church shall be *ex-officio* trustees, and shall continue in office during life, or their connection with the church, and so long as they reside in the bounds of the church.

§ 3. This act shall take effect from its passage.

Approved February 14, 1861.

## CHAPTER 171.

AN ACT for the benefit of Pleasant Conway, of Caldwell county,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer for the sum of twenty-five dollars, in favor of Pleasant Conway, of Caldwell county, for services rendered this Commonwealth in the case of the Commonwealth against Wadlington, in the Caldwell circuit court.

§ 2. This act to take effect from and after its passage.

Approved February 14, 1861.

1861.

## CHAPTER 173.

AN ACT to amend the charter of the Masonic Publication Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 1st section of an act, entitled "An act to charter the Masonic Publication Association," approved February 15, 1858, be so amended as that Rob. Morris, John Trimble, N. C. Mahan, George H. Heming, R. A. Logan, J. A. Dougherty, W. M. Ellison, H. B. Parsons, A. W. Wilson, Frederick Webber, J. G. Gorsuch, David Monsarrat, and T. R. Austin, shall form and constitute said association, instead of the persons named in the 1st section of said act; and they are hereby vested with all the powers and privileges conferred by the provisions of said act on the persons named in the 1st section of the act aforesaid.

§ 2. The persons above named shall meet in the city of Louisville on the second Monday in March, 1861, or as soon thereafter as practicable, and organize said association according to the provisions of said act; and shall hold their elections for officers on the first day of March each year thereafter.

§ 3. This act shall take effect from its passage.

Approved February 14, 1861.

## CHAPTER 174.

AN ACT for the benefit of the sureties of John G. Pickens, late sheriff of Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sureties of John G. Pickens, deceased, late sheriff of Clinton county, be allowed the further time of four months to pay into the treasury the balance of revenue due from the said John G. Pickens to the State of Kentucky: *Provided*, That said sureties shall, on or before the 1st day of March, 1861, pay into the treasury all the revenue that shall have been collected by them, or either of them, or the deputies of said John G. Pickens, up to that time.

§ 2. Before this act shall be effective the sureties of said John G. Pickens, deceased, shall go into the county court of Clinton county and consent to the provisions of this act.

Approved February 14, 1861.

CHAPTER 176.

1861.

AN ACT to incorporate the Bowling-Green Gas Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company, to be called the Bowling-Green Gas Company, shall be, and the same is hereby, established, with a capital of twenty thousand dollars, to be divided into shares of fifty dollars each; to be subscribed and paid for by individuals, companies, and corporations, as hereafter directed; and the subscribers to the stock of said company, their successors and assigns, shall be, and they are hereby, created a body politic and corporate, by the name and style of "The Bowling-Green Gas Company," and shall so continue for thirty years from the 1st day of January, 1861, and by that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, as natural persons; may have a common seal, and may ordain and put in execution such by-laws, rules, and regulations for the government of said company and the management of its business as may be deemed expedient, not inconsistent with this act.

Company incorporated, and corporate powers.

§ 2. That said company shall keep an office in the town of Bowling-Green, and its business shall be to construct and establish gas-works in or near said town, and to vend gas-light privileges.

Office and business.

§ 3. That said company may purchase and hold as much land as will be required for the proper conduct of its business, and may sell and exchange the same and purchase again, and may hold such personal estate as will be necessary and convenient for the transaction of its business.

May purchase and hold lands.

§ 4. It shall be the duty of said company, within five years after its organization, to erect and establish in the said town, or near it, a gas manufactory of sufficient extent and capacity to supply said town and its citizens with all such public and private lights as may from time to time be required.

Works to be erected in five years.

§ 5. The gas shall be supplied to such parts of the central portions of said town, as the chairman and board of trustees of said town may direct, and to such other portions of said town as said chairman and board may require, and upon such terms as may be agreed upon; and the gas shall be of such purity as not to be offensive or injurious to health.

Gas to be supplied under direction of trustees.

§ 6. That the company have the exclusive right of erecting, establishing, and constructing gas-works in said town during this charter, and of vending gas-lights.

To have exclusive right to gas works.

§ 7. That to enable the company to construct gas-works in said town, it is authorized to lay down and extend pipes and conductors through any of the streets and alleys of

May lay down and extend pipes.

1861.

said town, and for that purpose to take up the pavements and to replace the same, and shall be responsible to said town for any damage which may arise therefrom, or any unreasonable delay in replacing the same.

Penalty for in-  
juring works.

§ 8. That if any persons shall willfully, by any means whatever, injure or destroy any part of the gas pipes or conductors, lamps, lamp-posts, burners, or any of their works or fixtures, or machinery, all such persons shall be bound to the company for all the damages sustained thereby, and may be liable to indictment within three years after the commitment of the offense, and upon conviction, shall be fined in any sum at the discretion of the jury, not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year; but this section shall not be held to change the law as to arson or willfully burning the houses of the company.

Com'rs to open  
books.

§ 9. S. A. Barclay, T. C. Calvert, George Lehman, Wm. Cook, J. I. Younglove, John M. Sharp, and C. B. Donaldson, or any three of them, shall be commissioners for opening the books for the subscription of stock; and they, or any two of them, may advertise the time and place of opening the books in said town, and shall keep them open until not less than five thousand dollars shall have been subscribed, when they shall be closed.

When meeting  
of stockholders  
to be called.

§ 10. That when the commissioners shall have closed the books, they shall advertise the same and call a meeting of the stockholders, giving at least ten days' notice of the time and place; and the stockholders so called, may elect six directors of said company, who shall choose a president from amongst themselves, to whom shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs; they shall serve for one year and until their successors are elected and qualified, and after the first election, they shall annually be elected on the 1st Monday in January, in each year, of which notice shall be given for ten days in one or more newspapers in the town of Bowling-Green; they shall fill all vacancies that may occur in their body from any cause.

President—his  
powers and du-  
ties.

§ 11. That each share of stock in this company shall entitle the owner to one vote.

One vote for  
each share.

President, &c.,  
may sell stock  
after books are  
closed.

§ 12. If the whole of the stock is not subscribed when the books are first opened, the president and directors shall have power to sell the residue at such time and in such manner as they may deem expedient: *Provided*, That they shall not sell it under par without the consent of the stockholders.

Certificates of  
stock, &c.

§ 13. That certificates of stock shall be issued to the holders thereof, whenever the same shall be paid for; and stock in this company shall be considered and pass as per-

sonal estate, and be transferable on the books of the company in such manner as the stockholders, or president and directors, by their by-laws, shall prescribe; but no stock shall be transferred until all the debts and demands against the stockholders are discharged; and the company shall have a lien on the stock for all debts and demands.

1861.

§ 14. That the president and directors shall keep a record of their proceedings, which they shall produce to the stockholders at the regular or called meetings; they shall take bond with good security from the officers as the by-laws may direct.

Record of proceedings to be kept.

§ 15. That the directors shall allow to the president a reasonable compensation for his services.

Compensation of President.

§ 16. This act shall take effect from its passage.

Approved February 21, 1861.

## CHAPTER 177.

AN ACT to establish and incorporate the town of Hardyville, in Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. A town, to be known and called the town of Hardyville, is hereby established in the county of Hart, with the following boundary: Beginning at the residence of Samuel Renfro, including him; thence to J. W. Renfro's, including him; thence to A. G. Kelly's, including him; thence with a straight line to G. R. Payton's house, where Thomas Williamson now lives, including the same; thence to H. G. Twyman's, including him; thence to the beginning.

Boundary of town.

§ 2. The present residents within the aforesaid boundary to be called "the town of Hardyville," with their successors, are hereby incorporated and made a body politic and corporate, and are vested with certain rights hereinafter mentioned, with perpetual succession.

Body politic and corporate.

§ 3. Said corporation, by this charter, is hereby vested with all the rights, powers, capacities and incapacities, responsibilities and duties, usual and incident by law to incorporated towns in this Commonwealth.

Rights, &c., of corporation.

§ 4. By its corporate name it may sue and be sued, and do all other legal acts, may plead and be impleaded, may grant and receive, may purchase and hold lands, and may have a common seal, and may make by-laws for the government of said town.

Corporate powers.

§ 5. The actual residents, white males over twenty-one, within the limits of said town, shall, on the first Saturday in April, 1861, and annually thereafter, elect five trustees, who shall be residents of said town, who shall elect one of

Trustees to be elected, and term of office.

1861.

To take oath.

Style of corporation.

Powers of trustees.

To keep streets in repair.

May abate nuisances and suppress tippling houses.

Police judge and town marshal to be elected, and term of office.

Powers and duties of police judge.

Powers and duties of marshal.

their number chairman; said trustees shall have charge of the fiscal, municipal, and prudential concerns of said town; and, until the first elections, the following shall be trustees for said town: G. W. Collins, chairman, W. H. L. Renfro, F. M. Renfro, A. G. Kelly, and Thomas Williamson; all trustees elected, or hereby appointed, are to hold their office until their successors are elected and qualified. The trustees for said town shall, before they can discharge the duties of their office, take an oath faithfully to discharge their duties during their continuance in office, and may fill any vacancy that may occur in their board. Said trustees shall be styled "The Board of Trustees of Hardyville;" and their chairman, "Chairman of the Board of Trustees of Hardyville." Said board of trustees shall have the power to make by-laws, levy and collect an *ad valorem* tax not exceeding thirty cents per hundred dollars, or a poll tax not exceeding one dollar, on the property and persons residents in said town; shall keep the streets in good repair, and in default thereof, upon indictment by the grand jury of the county, and conviction, shall be fined not exceeding \$50; they shall have power to abate nuisances; they shall have power to pass by-laws for the suppression of tippling-houses, bawdy-houses, and gambling-houses in said town; to prohibit the retailing of spirituous liquors, and, by fines and penalties, to punish riots, routs, disorders, and breaches of the peace, and indecent and licentious conduct, and may tax any store or grocery, peddler, or auctioneer, or show, and may require them to take out a license; they shall have the power to tax, and the exclusive right to license taverns, houses of entertainment, coffee-houses, in such sums as they may deem proper. The State tax in such cases being paid.

§ 6. A town marshal shall be elected biennially, and a police judge every four years, in said town, on the first Monday in August, by the white males, residents of said town, over twenty-one years; all elections in said town to be held and conducted by the chairman of the board of trustees. Said police judge, when duly elected and commissioned by the Governor, and qualified, shall be, *ex officio*, a justice of the peace for Hart county, with all the powers and privileges, capacities and incapacities, rights and privileges, and under the same liabilities and responsibilities of a justice of the peace for said county, and shall [have] jurisdiction for the trial of causes, civil or criminal, or penal, arising under the by-laws of said town; and said town marshal, when elected and qualified, shall have all the rights and privileges, capacities and incapacities, and be under the same liabilities, responsibilities, and duties of a constable of Hart county; he shall execute bond in the Hart county court, as constables are required to do; and

shall execute all process, orders, and judgments of the police judge of said town.

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§ 7. This act shall take effect from and after its passage.

Approved March 21, 1861.

### CHAPTER 178.

AN ACT to amend the charter of the Merchants' Deposit Bank of Danville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time of three years, from the passage of this act, is allowed to the commissioners of the Merchants' Deposit Bank of Danville to open books and receive subscriptions of stock in said bank, according to the provisions of the same, which are hereby declared to be in full force.

§ 2. This act to be in force from its passage.

Approved March 21, 1861.

### CHAPTER 180.

AN ACT to amend the charter of the city of Covington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the present school trustees for the city of Covington, and their successors in office, be, and they are hereby, created a body politic and corporate, under the name and style of the School Board of the city of Covington; and by that name and style shall be capable in law to contract and be contracted with, sue and be sued, plead and be impleaded with, in all the courts of this Commonwealth; and shall have power to make and adopt such rules and regulations as may from time to time be necessary for its own government and for the government of the public schools in said city; and may change or abolish such rules and regulations at pleasure.

School trustees made a body corporate, and corporate powers.

§ 2. Said school board shall have power, by resolution or otherwise, to appoint a board of examiners to examine teachers who may make application for employment in the schools of said city, and may prescribe the duties of such examiners; and no person shall be employed as a teacher in any of said schools until he or she shall have first obtained from said examiners a certificate of his or her qualifications to instruct in such branches as they may be required to teach: *Provided*, That nothing herein shall be

May appoint a board of examiners.

Teachers not to be employed without certificate from examiners.

1861.

so construed as to affect the validity or force of any certificate now held by the present teachers in said schools.

Vacancies in  
board, how  
filled.

§ 3. Whenever a vacancy shall occur in said board by the death, removal, or resignation of one of its members, it shall have power, immediately upon receiving information of the fact, to elect a suitable person to fill such vacancy. In making such election, a majority of all the members then constituting the board shall be necessary to a choice, and the person chosen shall be, at the time of his election, and during his continuance in office, a resident of the ward in which the vacancy occurred.

Duty of city  
clerk.

§ 4. Hereafter it shall be the duty of the city clerk of Covington, when he receives the delinquent tax bills from the city treasurer, to add the fifteen per centum, as now required by the existing charter of said city, to each of the delinquent school tax bills, and deliver the same to the president of the school board; and said board shall then have the power to appoint one or more persons to collect the same, and may fix the compensation of said collector or collectors. The collector or collectors so appointed shall have the same power to enforce the payment of such taxes that the collector of said city now has to enforce the payment of taxes due the city, and shall in all respects be subject to the same penalties and proceedings. The school board shall require bond with good security from such person or persons as may be appointed to collect the delinquent taxes.

May appoint  
one or more  
collectors.

City collector,  
&c., to hand  
over uncollect-  
ed school and  
tax bills, &c.

§ 5. It shall be the duty of the said clerk, and the city collector and treasurer, to deliver to the president of the school board all the unpaid school tax bills and tithe bills now in their possession or in the possession of the city authorities; and said board shall place the same for collection in the hands of such person or persons as may be appointed for that purpose, who shall possess the same powers to enforce the payment thereof as are conferred by the next preceding section of this act.

Superinten-  
dent of public  
schools, how  
appointed,

§ 6. The superintendent of public schools shall be chosen by the school board in the same manner and for the same time that teachers are chosen, and shall be removable in the same manner as teachers.

City council  
to convey to  
school board  
school prop'ty.

§ 7. The city council of said city shall, within ninety days after this act takes effect, convey to the school board of the city of Covington all property, as well as any interest therein which has been purchased with the money belonging to the common school fund of said city, and also all property, real, personal, and mixed, now used and occupied, or heretofore set apart by said city council for school purposes; and said school board shall take and hold said property for the use and benefit of the common schools of said city, and for no other use or purpose whatever.



§ 8. The city clerk, treasurer, attorney, collector, assessor, weigher, wood measurer, street commissioner, wharf master, inspector and sealer of weights and measures, market master, city engineer, city physician, keeper of the city poor-house and jail, engineer of the fire department, and school trustees, who shall be elected on the first Saturday in January, 1862, shall hold their respective offices for the term of two years, and until their successors are elected and qualified; and elections for said officers shall be regularly held on the first Saturday in January every second year thereafter: *Provided*, That all vacancies occurring in any of said offices shall be filled as heretofore, except vacancies in the school board, which shall be filled as prescribed by the third section of this act.

1861.  
City officers  
when elected,  
and term of  
office.

§ 9. All laws and ordinances, or parts of laws and ordinances, in conflict with the provisions of this act, are hereby repealed.

Rep'ling clause

§ 10. The foregoing sections of this act shall not take effect or be in any manner binding until submitted to the qualified voters of said city and ratified by a majority of those voting thereupon; and it shall be the duty of the city council, within sixty days after the passage of this act, to order an election in said city for the purpose of ratifying or rejecting the same. The voting shall be by ballot, and each voter shall indorse on his ballot "For the amendment," or, "Against the amendment," as he may choose; and when the result is ascertained, it shall be the duty of the president of the city council to cause the same to be published in a newspaper printed in said city. If a majority of all the votes cast shall be for the amendment, it shall be adopted, and be valid and binding as a part of the charter of said city, but otherwise it shall be of no effect.

When this act  
to take effect.

§ 11. This act shall take effect from and after its passage.

Approved March 21, 1861.

## CHAPTER 181.

AN ACT to incorporate the Deposit Bank of New Liberty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established the Deposit Bank of New Liberty, the capital stock of which institution shall not be less than forty thousand dollars, nor more than one hundred and twenty thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and transferable only on the books of the company in such manner, and subject to such regulations as the board of directors may prescribe.

Bank estab-  
lished, and cap-  
ital stock.

1861.

Com'ers to  
open books.

§ 2. That W. G. Simpson, F. Brown, H. B. Gale, W. H. Peggs, R. H. Gale, James Gale, and A. P. Grover are hereby appointed commissioners to obtain subscriptions to the stock of the corporation herein created, who, or a majority of whom, may meet at some convenient time and place in the town of New Liberty, of which one month's previous notice shall be given, at which time they may open books and receive subscriptions of stock to said institution; and shall keep said books open for one month, and as much longer as said commissioners shall deem necessary, or until the stock is taken.

When books  
may be closed  
and may com-  
mence opera-  
tions.

§ 3. As soon as forty thousand dollars shall have been subscribed to the stock of said company, the books of subscription may be closed and delivered over to the subscribers, who shall thereupon constitute a body politic and corporate, with the corporate name of the Deposit Bank of New Liberty; they and their successors shall so continue for the term of thirty years, and may contract and be contracted with, sue and be sued, plead and be impleaded, and may exercise all other powers usually incident to such corporations.

Directors to be  
elected.

§ 4. Upon the receipt of the books of subscriptions, the subscribers, or a majority in value of them, shall meet and elect six persons, who shall be stockholders, to serve as directors of said institution until the first Monday in January following, and until their successors shall be elected; the annual meeting of the stockholders shall thereafter be held on the first Monday in January, in each year; but meetings may be held oftener if the directors, or a majority of them, require it; and in all meetings of stockholders, each person shall be entitled to one vote for every share of stock held by him; the officers shall hold their offices for one year, and until their successors shall be elected; but may be removed by a majority at any regular or called meeting of the stockholders; the directors may choose one of their number as their president, may appoint a secretary and such other officers as they may require, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and times of paying in the stock, and shall have the general control of the affairs of the bank.

Stock—how  
voted.

Term of office.

President and  
other officers  
appointed.Elections, how  
conducted.Committee to  
be appointed to  
examine affairs  
of Bank.

§ 5. The directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed who shall, at least twice in each year, examine into the condition of the bank, and file their report on same, subject at all times to the inspection of all the stockholders.

Business of  
bank.

§ 7. The business of said bank shall be to receive money and bank notes on deposit, and may allow the depositors

such interest thereon as may be agreed upon; to deal in gold and silver coin, bullion, bills of exchange, and promissory notes; to buy and sell the stock of other companies, and the bonds of this State, and of the United States; but it shall not issue notes, or bills, or certificates of deposit, or any other instrument intended for circulation as money.

1861.

§ 8. All promissory notes, negotiable and payable at some incorporated bank of issue in this State, purchased or discounted by said bank, shall be put on the footing of foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers thereon.

Promissory notes purchased by said bank put on footing of bills of exchange.

§ 9. The directors shall annually declare dividends of the profits arising from the business of the bank.

Dividends.

§ 10. Should any person make a deposit in said bank and be refused payment thereof on demand made for the same, according to the terms of deposit, and without lawful excuse, said bank shall pay to the depositor the amount of his or her deposit, and fifteen per cent. damages on the amount thereof, to be recovered by suit in the Owen circuit court.

Penalty for failing to pay deposits.

§ 11. Said bank shall pay its deposits in gold and silver, or currency of the like kind and value of that deposited.

Deposits to be paid in gold or silver.

§ 12. The said bank may purchase and hold, sell and convey, any real or personal estate which may be necessary to carry out the objects of its creation; and it may receive conveyances of real estate, or any other property, as may be necessary or proper to secure any debt due to it, or which may be sold for the payment of such debt.

May hold, sell, and convey real estate.

§ 13. This charter shall be forfeited by the violation of any of the provisions thereof by any of the officers of the institution; and a failure or refusal of the company to pay any imposed upon its capital stock by the general laws of this Commonwealth, shall work a forfeiture of the charter.

Charter may be forfeited.

§ 14. It shall be the duty of the president, on the first day of July in each year, to pay to the treasury of this State fifty cents on each one hundred dollars held and paid for in said institution, which shall be in full of all tax or bonus.

To pay State tax.

§ 15. That the stockholders of said institution shall be held liable, individually, for the redemption of all notes issued by the same, as well as for all debts and liabilities thereof, to the extent of the amount of stock owned and held by them in said bank.

Stockholders individually liable for debts of corporation.

§ 16. The General Assembly reserves the right to examine into the condition of affairs of the institution by any person or persons, or committee selected or appointed for that purpose, at any time, and in such manner as the General Assembly may think proper; and the officers of the institution are required to report to the Secretary of State, on the first day of January and July of each year, a full

General Assembly may examine condition of Bank.

1861. and correct statement of the business, condition, and affairs of the institution.

§ 17. This bank shall be located in the town of New Liberty.

§ 18. This act to take effect from and after its passage.

Approved March 21, 1861.

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## CHAPTER 182.

AN ACT to incorporate Lodge No. 81, I. O. O. F., of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Christ Jenny, Alex. Schlatter, Jacob Mohr, J. Dilly, and their associates, be, and they are hereby, created a body corporate, by the name and style of Louisville Lodge, No. 81, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make or ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper; and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States or of this State.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved March 23, 1861.

CHAPTER 183.

1861.

AN ACT empowering the Owen county court to change a State road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Owen county be, and is hereby, empowered and authorized to change the State road leading from New Liberty to Marion, in said county, under the same rules, regulations, and restrictions governing them in the changing of county roads.

§ 2. This act to take effect from and after its passage.

Approved March 23, 1861.

CHAPTER 185.

AN ACT to incorporate the Licking River Mining and Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James C. Crow, Jonathan S. Smith, Daniel Mooar, Robert H. Forrester, and James L. Henderson, and their successors, are hereby created a body politic and corporate, under the name and style of the "Licking River Mining and Manufacturing Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places; have a common seal, and alter the same at pleasure; and may make all necessary by-laws and regulations for the government of the said company, not inconsistent with the constitution and laws of the State of Kentucky and of the United States.

§ 2. That said company shall have power and authority to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which may, from time to time, be adopted by said company for its government and the transaction of its business.

§ 3. In case of the death or resignation of any of said corporators, the remaining corporators shall have power to fill such vacancy.

§ 4. The capital stock of said company shall be twenty thousand dollars, with power to increase it, by order of the company, to any amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as said company, by its by-laws, may direct.

§ 5. Said company shall have power to hold such real

**1861.** estate, in the State of Kentucky, by lease, purchase, or otherwise, and such personal property as they may deem necessary and proper for carrying on any branch of their business, with power to sell and convey the same at pleasure; and shall have the power to carry on the business of mining coal and transporting the same to market; of manufacturing oil and other products from coal; of collecting petroleum and manufacturing the same into its products; of manufacturing iron and other minerals; of quarrying rock and selling the same; of cutting and shipping saw logs and cooperage stuff, and manufacturing lumber; and to the purposes aforesaid the business of said company shall be confined.

§ 6. This act shall take effect from and after its passage.

Approved March 23, 1861.

## CHAPTER 186.

AN ACT for the relief of school district No. 38, in Meade county.

WHEREAS, It appears that the trustees of school district No. 38, in Meade [county,] could not secure a teacher for said district for the year 1860 within the time required by law that a school should be taught, but did commence a school therein on the 15th day of November of said year, and continued the same, otherwise in accordance with the provisions of the common school law, for the term of three months; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the trustees of said district shall have the further time till the 10th day of March, 1861, to make their report; and when made, they shall be entitled to draw their proportion of the common school fund as though their school had been regularly reported.

Approved March 23, 1861.

## CHAPTER 187.

AN ACT to amend an act incorporating the Munday's Landing and Harrodsburg turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act to incorporate the Harrodsburg and Munday's Landing turnpike road company," be, and the same is hereby, so amended as to require said road to be made thirty feet wide instead of forty feet, as prescribed in the act to which this is an amendment.

§ 2. That if any person shall ride or drive through the toll-gate upon said road, and refuse to pay the legal rates of toll, or shall ride or drive around the gate to avoid the payment of such legal rates of toll, the person or persons so offending shall be subject to a fine of four (4) dollars, recoverable before any justice of the peace in the county of Mercer.

1861.

§ 3. This act to be in force from its passage.

Approved March 23, 1861.

## CHAPTER 188.

AN ACT to amend the charter of the Bryantsville and Cane Run turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Bryantsville and Cane Run turnpike road company is so amended as not to require said road to be opened more than twenty feet wide.

§ 2. That the stockholders in said road company who have subscribed and paid stock to said company to the amount of one hundred dollars, shall have one hand exempt from working on county roads for every one hundred dollars so paid.

§ 3. The hands exempted from working on county roads in the second section of this act shall be required to work on the Bryantsville and Cane Run turnpike road not exceeding five days in any one year, under the control and management of the president and directors, and they shall have the same remedy to require their attendance that is given to surveyors to compel hands to work on county roads; and all fines assessed for a failure of duty shall be used in repairing said turnpike road.

§ 4. This act shall take effect from its passage.

Approved March 23, 1861.

## CHAPTER 189.

AN ACT to incorporate the Iron Moulders' Local Union of Covington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Peter Marx, Thos. Fleshner, C. McCurdy, Jas. Soden, and John Andrews, and their associates and successors, be, and they are hereby, created a body corporate, by the name and style of Iron Moulders' Local Union, No. 20, and they and their associates and successors shall so continue and have perpetual succession; and by that

1861. name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government; and those now in force in said association to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge; nor in contravention of the constitution and laws of the United States, or of this State; the said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty-five thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds; the right to alter, amend, and repeal this act is hereby reserved to the General Assembly.

§ 2. This act to take effect from its passage.

Approved March 23, 1861.

## CHAPTER 191.

AN ACT to incorporate the Beargrass Packing and Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. J. Jennings, B. D. Lusk, John Harbison, George S. Allison, Ben. J. Adams, Zeb Ward, F. G. Adams, Samuel B. Thomas, Edward Crutchfield, J. A. Burton, and John H. Cooper, and their associates, successors, and assigns, are hereby created a body corporate, under the name and style of the Beargrass Packing and Manufacturing Company; and by that name may acquire, hold, convey, assign, use, and enjoy all such real and personal property as shall be convenient in the prosecution and management of their business; they may sue and be sued, contract and be contracted with, have a common seal; and the same break, alter, or renew at pleasure.

§ 2. The business of said company shall be the manufacturing of barrels and boxes, and the packing and curing of meats; and they may do all things necessary and proper and usual in the carrying on their business.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, and shall be divided into shares of five hundred dollars each. Any two or more of the corporators herein named may open books and receive subscriptions for stock, after having first given ten days



notice of the time and place, by publication in one or more of the daily newspapers published in the city of Louisville; and after one hundred thousand dollars shall have been subscribed they shall in like manner call a meeting of the subscribers, who shall proceed to elect three directors to serve for one year and until their successors shall be elected and qualified; and there shall annually thereafter, on the 1st Monday in March, be a meeting of the stockholders to elect directors, who shall have the general management of the business of the said company, and shall appoint all such officers and agents as may be needful in the conducting of their business.

1861.

§ 4. The said company may adopt by-laws for their government and for the regulation of their affairs: *Provided*, The same be not contrary to the laws of this Commonwealth.

§ 5. The said corporation shall continue for the period of twenty-five years, unless sooner dissolved by a vote of the stockholders.

§ 6. This act shall take effect from its passage.

Approved March 25, 1861.

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## CHAPTER 195.

AN ACT for the benefit of the late sheriffs of Greenup, Lawrence, and Carter counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of the county of Boyd be, and he is hereby, authorized to collect all taxes due to the late sheriffs of the counties of Greenup, Lawrence, and Carter, from citizens residing within the limits of Boyd county; and shall have the same power to distrain therefor as now allowed by law in the collection of other taxes, and under like responsibilities.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1861.

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## CHAPTER 197.

AN ACT for the benefit of school district, No. 48 in Pulaski county.

WHEREAS, It has been represented to the General Assembly of the Commonwealth of Kentucky that the trustees of common school district No. 48, of Pulaski county, Kentucky, failed to deliver their report to the commissioner of said county for the year 1860, owing to a misapprehension on their part of the time to which they were limited

1861. to bring in said report, and that said commissioner did not draw for the same on the Auditor; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John W. Hail, commissioner of the common schools for Pulaski county, is hereby authorized and empowered to receive the report of the trustees of common school district No. 48, Pulaski county, at any time within two months after the passage of this act, and to report the same to the Auditor of Public Accounts, who shall draw his warrant for the same on the Treasurer, payable out [of] any funds belonging to the common schools; and said report shall be treated and considered in all respects as if it had been handed in and received at the time required by law.

§ 2. That this act take effect from and after its passage.

Approved March 26, 1861.

## CHAPTER 198.

AN ACT in relation to the town of Harrodsburg.

It being represented that James Burke was, at the August election, 1860, by the qualified voters of Harrodsburg, duly elected marshal of said town, and said Burke having failed to execute his official bond within the time required by law, by reason of the failure of the board of trustees to meet; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of trustees of said town be authorized to receive said Burke's official bond, at any time within thirty days from the passage of this act, to have the same effect to legalize his act, as marshal or otherwise, as if the same had been executed within the time required by law: *Provided*, That if the trustees shall, within said period of thirty days, fail to meet and receive said bond, it shall be the duty of the chairman of said board, and he is hereby, in such contingency, authorized to receive and approve said bond, with like effect.

Approved March 26, 1861.

## CHAPTER 199.

AN ACT for the benefit of Elizabeth McKee, of Greenup county.

WHEREAS, By an omission of the clerk of the Greenup circuit court, in making up an order at the November term, 1860, making an allowance to Elizabeth McKee, an idiot,

the Auditor of Public Accounts cannot allow the claim; therefore,

1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts draw his warrant upon the treasury in favor of Elizabeth McKee, an idiot, of Greenup county, in the same manner, and for the sum due said idiot for the six months preceding the November term, 1860, of the Greenup circuit court, as though the orders of said court were in conformity to the law.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1861.

## CHAPTER 200.

AN ACT for the benefit of Mrs. Mary Haviland.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of Mrs. Mary Haviland, for the sum of twenty-five dollars and ninety-six cents, amount of revenue tax overpaid by her in the year 1859.

§ 2. This act shall take effect from its passage.

Approved March 26, 1861.

## CHAPTER 201.

AN ACT for the benefit of W. T. Moren.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of W. T. Moren, of Laurel county, for the sum of twenty dollars and fifty cents, (\$20 50,) the amount due him for conveying a pauper lunatic from Laurel county to the asylum at Lexington.

§ 2. This act to be in force from its passage.

Approved March 26, 1861.

1861.

## CHAPTER 202.

AN ACT for the benefit of Wm. Magowan and J. V. Dewey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Wm. Magowan and J. V. Dewey, for the sum of fifty dollars, for apprehending and delivering to the jailer of Harrison county J. W. Phillips, who was indicted for manslaughter in the Harrison circuit court.

§ 2. This act shall take effect from its passage.

Approved March 26, 1861.

## CHAPTER 203.

AN ACT to repeal an act, entitled "An act for the benefit of the Taylorsville and Mt. Eden turnpike road."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act for the benefit of the Taylorsville and Mount Eden turnpike road," approved February 5th, 1861, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 26, 1861.

## CHAPTER 205.

AN ACT for the benefit of Elijah L. Wisdom and Green Atwell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That all that part of Metcalfe county lying on the north side of the East Fork of Little Barren river, and below the Caney Fork, and above Erwin's still-house branch, to-wit: about one hundred acres of land, belonging to the petitioners, Elijah L. Wisdom and Green Atwell, be included in Green county.

Approved March 26, 1861.

CHAPTER 206.

1861.

AN ACT to incorporate the Planters' Bank of Henderson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a deposit bank is hereby established at the city of Henderson, to be called the "Planters' Bank;" and by that name shall have all the rights and privileges of a natural person, in suing and being sued, answering and defending, in all courts of law or equity.

Bank established.

§ 2. The capital stock of this corporation shall be, and is fixed at, \$250,000.

Capital stock.

§ 3. That Wm. B. Woodruff, Wm. J. Dallam, R. G. Beverly, John H. Barrett, and Wm. Soaper, or any three or more of them, may, at such times and places as suits their convenience, open books for the subscription of stock, which shall be in shares of fifty dollars each; and when one thousand shares shall be subscribed, and two dollars per share paid thereon, the stockholders may meet in person, or by proxy, and elect five directors, who shall serve one year, and until their successors shall be elected; the directors may elect a president of their number.

Com'rs to open books.

When president and directors elected.

§ 4. The president and directors may adopt a seal and change it at pleasure; they may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful discharge of their duties; they may prescribe the manner of paying in their stock, and the transfer thereof.

May adopt seal, appoint officers, &c.

§ 5. This corporation shall have the rights and privileges of the chartered banks of the State, except they shall not issue notes as a circulating medium; they may discount notes of hand, drafts, bills of exchange, &c., payable at their own office, or payable at any chartered bank or moneyed institution in or out of this State; they may receive, on general or special deposit, gold and silver coin and banks notes, and allow such interest thereon as may be agreed upon; they may buy and sell the stock of other companies, the bonds of this State, of the United States, and the bonds of other incorporated companies of this State; and twice per year declare and pay to stockholders a dividend of the profits.

Rights and privileges of corporation.

§ 6. All promissory notes purchased or discounted by this institution, payable at the same or at any other banking institution in this State, shall be put on the footing of foreign bills of exchange.

Promissory notes put on footing of bills of exchange.

§ 7. This corporation shall receive on deposit any sum offered during bank hours, if not less than five dollars; and infants and females covert may deposit therein, and may control the deposit so made, unless restrained by some competent tribunal.

Deposits and depositors.

1861.

Elections—how  
held.

§ 8. The president and directors shall annually appoint the time and place for holding the election of their successors; and two or more of their number shall attend and conduct said election; and they may, at any election, increase their number not to exceed seven.

Rate of in-  
terest.

§ 9. No greater than the legal rate of interest shall be exacted or received upon promissory notes discounted by said corporation.

Stockholders  
individually lia-  
ble.

§ 10. Each stockholder shall be liable, out of his individual estate and property, to depositors to the extent of the amount of stock held by him.

Limitation of  
charter.

§ 11. This charter shall not continue longer than thirty years from and after its passage.

State tax to  
be paid.

§ 12. There shall an annual tax of twenty-five cents per share be paid on the stock of this company: *Provided*, That until the stock is actually paid in full, there shall only be paid of the above tax, a rate in proportion to the amount paid in as from time to time.

Approved March 27, 1861.

## CHAPTER 210.

AN ACT to amend the charter of the city of Louisville, approved March 24th, 1851.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the third, fourth, and fifth precincts of the first ward of the city of Louisville shall be the first ward of said city; and the first and second precincts of said ward shall be the tenth ward of said city; and the first, second, and third precincts of the eighth ward shall be the eighth ward; and the fourth and fifth precincts of said ward shall be the ninth ward of said city.

§ 2. Each ward shall be entitled to the same rights of representation in the general council, and board of trustees of public schools of said city, to be first elected at the April election, 1861; but the general council of said city may, from time to time, change the boundaries of any, or all of the wards of said city, and the voting precincts, to equalize the representation: *Provided, however*, That there shall not be a less number of voting places in said city than are now provided by law.

§ 3. This act to take effect from its passage.

Approved March 29, 1861.

## CHAPTER 211.

1861.

AN ACT for the benefit of Wm. J. Shrout.

WHEREAS, It appears to the General Assembly, by the certificate of John D. Young, county judge of Bath county, that a mistake was made in the assessment of the property of Wm. J. Shrout, of said county, for the year 1859, which was not discovered in time to be corrected by the board of supervisors, by which said Shrout was compelled to pay tax to the amount of three dollars and sixty-four cents more than was properly due; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be directed to draw his warrant in favor of Wm. J. Shrout for the said sum of three dollars and sixty-four cents.

§ 2. That this act shall take effect from and after its passage.

Approved March 30, 1861.

## CHAPTER 212.

AN ACT to change school district No. 9, in Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of the school district No. 9, in Madison county, as embraces the lands of Silas Newland, Merit S. Jones, Littlebury Martin, and Cyrus Moran, be detached therefrom and established into a new district, to be known as the Newland school district; and shall in future have all the rights and privileges guaranteed to any other school districts, according to the existing laws regulating common school districts in this Commonwealth.

§ 2. This act to be in force from its passage.

Approved Mar. h 30, 1861.

## CHAPTER 213.

AN ACT to establish an additional magistrate's district and election precinct in  
Daviness county..

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional justices' district, and an election precinct, to be known as district No. 9, is hereby established in Daviess county, with the following boundary: Beginning on the Ohio river, at the lane between the farms of John S. McFarland and John Gaw, leaving Gaw in dis-

1861.

trict No. 9; from thence to J. H. Nelson's, leaving Nelson in district No. 1; from thence to James Shipp's, leaving Shipp in district No. 1; thence from Shipp's to the head of the Big Pond; from thence to the Phillip's Deer Pond farm, leaving said farm in district No. 9; from thence to — Hutchen's farm, leaving said farm in district No. 9; from thence to Wm. Harrel's, leaving Harrel in district No. 9; from thence to the upper corner of the Elijah Rafferty farm, including in No. 9 John Dugan, Mrs. Benj. Rafferty, Mrs. Eliza Rafferty; from thence with Panther creek to the mouth of said creek, and thence with Green river to the line between Henderson and Daviess counties, as specified by the act of the last Legislature; thence with said line to the Ohio river; thence with the Ohio river to the beginning.

§ 2. That an election for two justices of the peace and one constable shall be held in said district, at Luce & Kasey's store, on the first Saturday in April next; and that the Daviess county court, at its next March term, shall appoint the proper and necessary officers to hold said election; and it shall be the duty of the sheriff of said county to attend and superintend the same; and in all respects said election shall be held and conducted as the elections are required by law to be conducted.

§ 3. That the district hereby established shall be a voting precinct at all elections held in said county, and the storehouse of Luce & Kasey, or any place near the Oakford post-office that is most convenient, shall be the voting place therein; and all elections in said district shall, in all respects, be conducted as in other election precincts and voting places in said county.

§ 4. That, after the election held in April next, the comparison of the polls and returns to the Secretary of State shall be made as now required by law; and the justices elected shall be commissioned, and they, and the constable elected, shall hold their offices respectively, until the next general election of magistrates and constables, and until their successors are duly elected and qualified.

§ 5. This act shall take effect from its passage.

Approved March 30, 1861.

## CHAPTER 214.

AN ACT for the benefit of James M. Nesbitt.

WHEREAS, A common school was duly taught for the term of three months during the year 1853, in school district No. 1, in the county of Bath; but said district was not reported to the Superintendent of Public Instruction,



by reason of the death of two of the trustees thereof; and it appearing that the whole number of children living in said district, and entitled to an allowance of school money during the year 1853, was one hundred and three; it appearing further that James M. Nesbitt, of said county of Bath, advanced the money to pay for keeping a school in said district during the time aforesaid; wherefore,

1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is authorized and directed to draw his order on the Auditor, in favor of James M. Nesbitt, for the sum of seventy-two dollars and ten cents; and said sum is to be paid out of the common school fund.

§ 2. This act is to take effect from and after its passage.

Approved March 30, 1861.

#### CHAPTER 215.

AN ACT for the benefit of the town of Williamsburg, in Whitley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That, at any time after the passage of this act, the trustees of the town of Williamsburg, upon at least ten days' notice, posted up [in] at least five of the most public places in said town, designating the time and place, shall proceed to hold an election, at which each qualified voter in said town, or within one mile of the corporate limits thereof, shall be entitled to vote; and the question to said voters submitted shall be, "Shall the sale, manufacture, and use of spirituous and intoxicating liquors be prohibited in the corporate limits of Williamsburg, or within one mile of said corporate limits?"

§ 2. If a majority of all the votes cast shall be in favor of said proposition, then the manufacture, use, and sale of such liquors shall, within the limits aforesaid, be prohibited: *Provided, however,* It shall not be construed to interfere with any license now granted, nor any manufactory now existing in said limits: *And provided further,* That the term use shall not be construed to deprive any citizen of said town, or the limits herein provided, from the right to use such liquors in their families.

§ 3. To carry into effect the election herein provided, the board of town trustees shall appoint two members of their body as judges of the poll, which judges shall appoint a clerk and sheriff, and the election shall be conducted according to the general laws in force governing elections; and said officers shall be liable to all the laws in force

1861. regulating the duties of such officers in general elections ; and when said election is so held, and the votes shall be examined and counted by the judges and sheriff, they shall make out a certificate certifying the number of votes for the proposition, and the number against it, and shall present the same to the county judge of the Whitley county court, who shall order the same to be entered of record in said court.

§ 4. If, upon the election herein provided, the majority of the qualified voters shall be in favor of the proposition, then it shall be the duty of the trustees of said town, annually, on the first Saturday in March thereafter, [to] hold an election in accordance with the provisions of this act ; and if at any time on such an election a majority of the legal votes cast shall be opposed to the proposition herein submitted, and they shall so certify to the county court, then the provisions of this act shall thenceforth be void and of none effect ; until such majority shall vote against it, it shall remain in force.

§ 5. The penalty to which any person violating this act shall be liable, shall be for the sale of such spirits the same as that now provided by law for retailing without license ; and for its manufacture, the same penalty as for retailing without license ; and for violations in its use, the fine shall be five dollars for each offense.

§ 6. All cases of violation of this act prohibiting the sale, shall take the same course in law ; and any fines so assessed, for said offense, shall be paid into the treasury of the State as heretofore, under the same restriction, limitations, and provisions, as now by law provided ; all cases for violations in the manufacture or use, shall be tried in the police court of said town ; and any fines so assessed, shall be paid into [the] town treasury, to be disbursed, by order of the board of trustees of the town, in repairing the sidewalks, cleaning of the streets, and such other public works in said town as the board of trustees may from time to time order and direct.

§ 7. At all elections provided for by this act, every free white male citizen who has resided sixty days in the limits herein prescribed, and who has been a citizen of the county of Whitley one year next preceding said election, or a citizen of the State for two years next preceding such election, and being twenty-one years old, shall be entitled to vote..

§ 8. This act shall take effect upon its passage.

Approved March 30, 1861

## CHAPTER 217.

1861.

AN ACT to charter the Bon Harbor turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be formed, under the name, style, and title of the "Bon Harbor turnpike road company," for the purpose of forming an artificial road.

§ 2. That the capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the objects of this act, or if, after said road is completed from Owensboro to Bon Harbor, it is deemed expedient and proper to extend the same to the line of Daviess county, then the president and directors may enlarge it to such amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

§ 3. That books for the subscription of stock in said company shall be opened on the second Monday in April next, or as soon thereafter as convenient, in Owensboro, Daviess county, under the direction of Thomas H. Pointer, George H. Yeaman, John S. McFarland, S. S. Watkins, Clinton McClarty, Ben Stout, E. W. Burge, and L. F. Thixton, or some two or more of them, who are appointed commissioners, and may continue said books open as long as they may deem proper.

§ 4. The subscribers to stock in said company shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the 'Bon Harbor turnpike road company' fifty dollars for each share of stock set opposite our respective names, at such times and in such proportions as said president and directors may require after the same becomes due and payable. Witness our hands — day of —, 186 ." Which amounts may be collected in the proper courts.

§ 5. That so soon as three thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this act, or a majority of them, to give such notice, in such manner as they may think proper to designate, for the purpose of electing a president and five directors; and one vote shall be allowed for each share of stock; and the president and directors shall continue in office one year, and until their successors are elected and qualified.

§ 6. So soon as said company is organized by the election of officers, the president and directors shall be a body politic and corporate, under the style aforesaid; and as such shall have perpetual succession, and all the privileges

1861.

and franchises incident to like corporations; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real and personal property, as may be necessary for the prosecution of their work or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth; also to have and use a common seal, and generally to do all and every matter or thing which a like corporation may do.

§ 7. That said road shall be cleared forty feet, graded twenty-five feet, metaled, either stone or gravel, eighteen feet wide and nine inches thick, with all necessary bridges, culverts, &c., &c. It shall be lawful for the company to erect a toll-gate upon said road at such point as suits them, and charge the rates of toll now authorized by the general law. The president and directors shall cause a printed list of the rates of toll which they may lawfully demand, to be posted up at their toll-gate, which toll-gate shall not be erected within one half mile of Owensboro.

§ 8. That said president and directors shall have power to condemn lands for the purpose of constructing said road under the provisions of an act incorporating the Danville and Hustonville turnpike road company.

§ 9. That if the construction of the road provided for by this act shall not be commenced within five years from the passage thereof, the rights, privileges, and immunities hereby granted shall be void to all intents and purposes.

§ 10. That no banking privileges are conferred by this act; and the Legislature reserves the right to repeal, alter, or amend this charter at pleasure.

§ 11. This act to be in force from and after its passage.

Approved March 30, 1861.

## CHAPTER 218.

AN ACT for the benefit of S. E. Higgins.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Secretary of State is hereby directed to furnish Simon E. Higgins, a justice of the peace for Lincoln county, a copy of the Code of Practice, Revised Statutes, and acts of the General Assembly of 1859-60.

Approved March 30, 1861.

CHAPTER 219.

1861.

AN ACT to amend the charter of the Southern Bank of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the president and directors of the principal bank of the Southern Bank of Kentucky shall have power and authority to appoint, annually, either five or seven directors for each or any of the branches of said bank, and to fill any vacancies which may occur in the directory of any of the branches, taking care to appoint only qualified stockholders as directors.

Approved March 30, 1861.

CHAPTER 220.

AN ACT for the benefit of S. W. Rennick, late sheriff of Hickman county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That S. W. Rennick, late sheriff of Hickman county, be, and he is hereby, allowed the further time of two years to collect a balance of railroad tax due from the citizens of said county to said Rennick.

Approved March 30, 1861.

CHAPTER 221.

AN ACT for the benefit of the sheriff of Green county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the sheriff of Green county be, and he is hereby, allowed until the third Monday in May next to return his delinquent lists for the year 1860; which lists, when properly sworn to and certified, shall be received by the Auditor as if returned at the time now fixed by law for returning the same.

Approved March 22, 1861.

CHAPTER 223.

AN ACT to legalize the election of the chairman and board of trustees of the town of Bowling-Green.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the election of the present chairman and board of trustees of the town of Bowling-Green is hereby

1861. declared valid ; and that the said officers shall have all the power, privileges, and immunities allowed by the charter of said town ; and that any act that they may have done in their official capacity, prior to the passage of this act, within the scope of said charter, is hereby declared valid.
- § 2. That this act take effect from its passage.

Approved March 30, 1861.

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#### CHAPTER 224.

AN ACT for the benefit of William J. Ashcraft, of Estill county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William J. Ashcraft be, and he is hereby, permitted to erect two gates across what is known as the River road, running from Irvine, in Estill county, to Proctor, in Owsley county ; one of said gates to be erected at or near the mouth of the old Landing Hill branch, and the other at or near William Watts' line.

§ 2. This act to take effect from and after its passage.

Approved March 30, 1861.

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#### CHAPTER 225.

AN ACT to amend the charter of the city of Covington.

WHEREAS, By virtue of an ordinance passed by the city council of Covington on the fourth day of February, 1861, an election was held in said city on the 27th day of February, 1861, to take the sense of the legal voters of said city for or against an amendment to the city charter to provide: "1st. For a continuation of the annual tax of twenty-five cents on the \$100 worth of taxable property, from the ninth day of February, 1862, to be continued only so long as it may be necessary in order to pay the interest upon the bonded debt of the city not otherwise provided for, and for that purpose only ; the fund arising from such tax to be kept as a separate and distinct fund ; which said annual tax shall be reduced from time to time, whenever the whole amount shall not be needed for the purpose above named. 2d. For a tax of ten cents on the one hundred dollars worth of taxable property in the said city for each year, for the term of five years, in order to provide means to pay the interest now due and unpaid upon the funded debt of the city, to be applied exclusively to that purpose ;" and whereas, the legal voters of said city, on said 27th day of February, by a majority of two hun-

dred and ninety-five of all the votes cast, did express themselves in favor of the proposed amendment, with provisions as above recited; therefore,

1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the special tax of twenty-five cents on every one hundred dollars valuation of taxable property in the city of Covington, which was authorized to be levied and collected for the term of six years by an act, entitled "An act to amend the charter of the city of Covington," approved February 9, 1856, be, and the same is hereby, continued from and after the expiration of said six years; and the city council of said city is hereby authorized and empowered to levy and cause to be collected, annually, in the same manner as other taxes are levied and collected, the said special tax of twenty-five cents on the one hundred dollars valuation of taxable property in said city, for so long a period as may be necessary, in order to provide means to pay the interest upon the present bonded debt of the city, not otherwise provided for, and for that purpose only; the fund arising from the special tax hereby authorized to be levied and collected, shall be kept as a separate and distinct fund; and it shall be the duty of the said city council to reduce the said special tax from time to time, whenever the whole amount shall not be necessary for the purpose above stated.

§ 2. That the said city council of Covington be, and is hereby, authorized and empowered to levy and collect, or cause to be collected, as other taxes, in addition to the taxes already provided for, and in addition also to the tax provided for in the preceding section of this act, a special tax of ten cents on each one hundred dollars valuation of taxable property in said city, each and every year, for a period of five years, including the present year, for the purpose of providing means to pay the interest now due and unpaid upon the bonded debt of said city, and to be applied exclusively to that purpose.

§ 3. That this act shall take effect from and after its passage.

Approved March 30, 1861.

## CHAPTER 226.

AN ACT to incorporate Raywick Lodge, No. 299, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members, and those who may hereafter become members of Raywick Lodge, No. 299, of Free and

**1861.** Accepted Masons, in Raywick, Marion county, Kentucky, be, and they are hereby, created a body politic and corporate, by the the name and style of Raywick Lodge, No. 299, of Free and Accepted Masons; and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of purchasing and holding such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they now have, or may hereafter acquire: *Provided*, That the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to the master, senior and junior wardens, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the personal or real estate of said lodge.

§ 3. That the said trustees shall have power to pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as may be necessary for the safe-keeping of the property and other interest of the lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, the whole board of trustees shall join in such conveyance.

§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

§ 5. This act to take effect from its passage.

Approved March 30, 1861.

## CHAPTER 227.

AN ACT for the benefit of the sinking fund commissioners of Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Nelson county shall execute his bond to the Commonwealth of Kentucky, with good and sufficient sureties, for the collection of the railroad tax, which may be made due and payable in each and every year.

§ 2. The said bond shall be taken by the county court of Nelson, at or before the delivery of the tax books, and shall contain a covenant for the faithful collection of the railroad tax which may be levied from year to year.

§ 3. The sheriff shall account for and pay over monthly



1861.

to the commissioners of the sinking fund the amount collected, and upon his failure to do so, he and his sureties shall be liable for the amount due and unpaid to the said commissioners; and upon notice of ten days, motion may be made to the Nelson circuit court for judgment against the said sheriff and his securities for the amount due, with costs, interest, and ten per cent. damages.

§ 4. An act, entitled "An act to amend the charter of the Bardstown and Louisville railroad company," approved February 28, 1860, so far as the same is made applicable to the land of non-residents, be, and the same is hereby, made to apply also to the lands of those who reside within the precincts Nos. 1, 5, and 9, or who may reside outside of said precincts and own land within the same.

§ 5. It shall be lawful for the sheriff of Nelson county, in collecting said railroad tax, to receive the coupons due attached to the bonds of the county, for the subscription of stock to said Bardstown and Louisville railroad company, at par for such tax.

§ 6. This act shall take effect from and after its passage.

Approved March 30, 1861.

#### CHAPTER 228.

AN ACT creating an additional justices' and voting district in Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created, in the county of Nelson, an additional justices' and voting district, which shall be bounded as follows, to-wit: Beginning at the sixth mile stone, on Bardstown and Louisville turnpike road; thence in a westwardly direction, with the county road, to Froman's creek; thence down said creek to Cox's creek; thence down the same to Jonathan Hibbs' farm, to include him; thence in a direct line to a point where the county road crosses Back run; thence a straight line to Washington Clark's farm, on West Fork, to include him; thence down West Fork, and with the Bullitt county line, to the Spencer county line; thence with said line to the mouth of A. J. Bard's lane, on the Fairfield turnpike road; thence with said lane to A. King's gate, and a direct line to Spottswood Wills' residence, to include him; thence a straight line, to include Samuel C. Bealmare's residence; thence a direct line to Jennings' old mills, on Cox's creek, and with the lane to the Bardstown and Louisville turnpike road, and with the same to the beginning.

§ 2. The district hereby established shall be known as Highgrove district, No. 10, in Nelson county, and shall be entitled to all the rights and privileges of other justices'

1861. districts; the place of voting shall be at the house of John Fentons, on the Bardstown and Louisville turnpike road; and it shall be the duty of the sheriff of Nelson county to open a poll at said place of voting at the next May election, for the election of a constable and two justices of the peace for said district, whose term of office shall be until the next general election of similar officers of this Commonwealth.

§ 3. *Provided, however,* That this act shall not be construed so as to release any person from the payment of the railroad tax, or any other tax now assessed upon them.

§ 4. This act to take effect from its passage.

Approved March 30, 1861.

## CHAPTER 229.

AN ACT to amend an act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown, approved December 29th, 1829.

WHEREAS, The Nazareth Literary and Benevolent Institution, under the superintendence of the Sisters of Charity of Kentucky, with a view to carry out the purposes designated in the charter of said institution, has acquired property and established other schools, as follows: St. Mary's, at Paducah; St. Vincent's, in Union county; St. Frances, at Owensboro'; Presentation Academy, St. Joseph's Infirmary, and St. Vincent's Orphan Asylum and School, Louisville; Bethlehem, Bardstown; St. Catharine's Academy, Lexington; Lasalette, Covington; all of which institutions are supplied with sisters to conduct them by the said sisters from Nazareth; and whereas, said institution may desire to establish other schools and benevolent institutions in like manner, and some doubts may exist as to the legal right to do so under said charter; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown," approved 29th December, 1829, be, and is hereby, so amended as to make legal and valid all such conveyances of property as have heretofore been made to said corporation; and also to authorize said corporation to receive any gift, conveyance, devise, or bequest of property real and personal, or to buy, hold, and possess, or sell, and to convey the same in its corporate capacity for the purposes of establishing and maintaining the separate schools and benevolent institutions as aforesaid, and such other institutions for the diffusion of learning and benevolence, as the said Sisters of Charity, at

Nazareth, may hereafter establish for the purposes above indicated.

1861.

§ 2. The said Sisters of Charity may, according to the rules and regulations of the said community at Nazareth, sustain and carry on such separate establishments aforesaid, and establish other schools and benevolent institutions in any part of this Commonwealth, upon the principles declared in the original charter to which this is an amendment; and the land acquired for each separate school, or benevolent institution, shall be exempt from taxation, to the extent of five acres, but no more: *Provided, however,* The income of each of said institutions shall not exceed, at any time, ten thousand dollars annually.

Approved March 30, 1861.

## CHAPTER 230.

AN ACT to amend an act authorizing the sale of Robinson Academy, in Adair county.

WHEREAS, At the last session of this General Assembly an act was passed authorizing the sale of a building and lot in the town of Columbia, Adair county, first incorporated by the name of Robinson Academy, but afterwards changed to the name of Columbia College by an act of the Legislature; and whereas, McFarland Canterbury became the purchaser of the said building and lot, in pursuance with the provisions of the said act authorizing the sale of "Robinson Academy," and there being some doubts as to whether a good and valid title can be conveyed to said purchaser under the provisions of said act; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of Columbia College be, and they are hereby, authorized to convey a fee-simple title to said purchaser; and such conveyance, based upon the consideration agreed to be paid by said purchaser, shall be good and valid against all claims whatever; and it is hereby made the duty of said trustees to jointly convey, by deed, all the right and title they possess in and to said premises to said purchaser.

§ 2. This act to take effect from its passage.

Approved March 30, 1861.

1861.

## CHAPTER 231.

AN ACT to amend the charter of the Louisville turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it shall and may be lawful for said turnpike company to demand and collect from any person traveling said road, the full amount of toll, according to the regular rates of toll established for the whole length of said road, or such proportion of said road as said person may use, at either of their gates on said road, and give to such person, who shall receive the same, a check, which shall pass him through the other gate.

Approved March 30, 1861.

## CHAPTER 232.

AN ACT to incorporate the Excelsior Literary Society of Greenville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That M. Jeff. Roark, E. R. Weir, jr., T. H. Moore, M. C. Hay, S. J. Boyd, N. J. Harris, J. H. Faughenden, H. H. Harris, B. D. Eddings, and M. D. Hay, and their successors in office, be, and they are hereby, created a body politic and corporate, under the name and style of the Excelsior Literary Society of Greenville, who may sue and be sued, plead and be impleaded, and by such name shall have perpetual succession; shall have and use a common seal, and shall have power to alter or change the same at pleasure.

§ 2. That the above named corporators, and their successors in office, shall have power and authority to acquire and hold all such real and personal estate, goods, and money that may be necessary, convenient, or proper for said society, not exceeding ten thousand dollars in value; and they may, from time to time, sell and dispose of the same as they may think proper.

§ 3. That the said corporators, and their successors in office, may choose a president, and such other officers as the society may from time to time create, whose term of office shall be for such time as said society may determine.

§ 4. That said society shall have power to pass all by-laws, rules, and regulations not contrary to the laws nor constitution of this Commonwealth; and may modify, change, or repeal them in such manner as prescribed by their constitution and by-laws, and enact such others in their stead as the interest of the society may require.

§ 5. That said corporators shall [have] power to receive

by gift, donation, or purchase, books, charts, maps, paintings, drawings, &c., for the purpose of establishing a library.

1861.

§ 6. That said corporators shall at no time exceed forty in number.

§ 7. That said corporators shall have power to sue and recover double the value of any book loaned to any one other than a member of said society, who shall only be liable for its value.

§ 8. That this act shall take effect from and after its passage.

§ 9. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.

Approved March 30, 1861.

### CHAPTER 233.

AN ACT to change the line between the Bethel and Wyoming precincts, in Bath county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the line between the Bethel and Wyoming precincts, in Bath county, be so changed that the same shall commence on the east side, at the line of the Owingsville district, on the Flemingsburg and Mt. Sterling road; thence with the said road to the head of the east fork of Flat creek; thence running down the east fork of Flat creek, so as to include the houses of Geo. Myers and Dan'l W. Doggett, to the mouth of the east fork of Flat creek.

§ 2. This act shall take effect from and after its passage.

Approved March 30, 1861.

### CHAPTER 234.

AN ACT for the benefit of the Presbyterian Church at Paris.

WHEREAS, The two Presbyterian congregations in Paris, who have united together, and now form one congregation, are desirous to make sale of one of their places of worship, in order to obtain means to improve the other; wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That the trustees holding the title to the lot and church edifice on Pleasant street, in Paris, and those trustees of the present united body who also hold an interest by conveyance to them in the same property, be, and they are hereby, empowered to make sale of the said lot and edifice on Pleasant street, either publicly or privately; and on

1861. receipt or ample security for the purchase money, convey the property so to be sold to the purchaser thereof.

Approved March 30, 1861.

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### CHAPTER 235.

AN ACT for the benefit of school district No. 36, in Livingston county.

WHEREAS, It appears that, in consequence of the absence from home of the school commissioner of Livingston county, that the trustees of district No. 36, in said county, failed to make a report in due time for the year 1860; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said trustees be allowed the further time until the first day of April, 1861, to make a report to the Superintendent of Public Instruction; and that the Auditor be required to draw his warrant on the treasury in favor of the school commissioner of said county for the amount due said district for the year 1860.

§ 2. This act shall take effect from its passage.

Approved March 30, 1861.

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### CHAPTER 236.

AN ACT for the benefit of S. E. G. Cole, of Todd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of S. E. G. Cole, of Todd county, for seventeen dollars, to compensate him for carrying a pauper lunatic from Calloway county to the asylum at Hopkinsville.

§ 2. This act shall take effect from its passage.

Approved March 30, 1861.

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### CHAPTER 238.

AN ACT for the benefit of Isaac E. Johnson and Jas. A. Hawkins.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts draw his warrant on the treasury of this Commonwealth in favor of Isaac E. Johnson and James A. Hawkins for the sum of ninety-four dollars and seventy-five cents, and that the

Treasurer of the State be authorized to pay the same on the presentation of the same.

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§ 2. This act to take effect from and after its passage.

Approved March 30, 1861.

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CHAPTER 239.

AN ACT to amend the charter of the Louisville and Nashville railroad company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Louisville and Nashville railroad company shall have the right to contract with the holders of any of the mortgage bonds of the main line, or either of its branches, of said road, that may be past due, for further time of payment, at a rate of interest and bonus not exceeding ten per centum per annum.

§ 2. This act to take effect from and after its passage.

Approved March 30, 1861.

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CHAPTER 240.

AN ACT concerning the Wilderness turnpike road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all tolls paid by the citizens of the county of Harlan, in passing through the gate on the Wilderness turnpike road, in the county of Knox, now kept by Henry C. Stevens, shall be applied to the keeping of that part of said road usually traveled by the citizens of Harlan county in repair; and it shall be the duty of the county court of Knox county to provide for the application of said tolls to the purposes provided by this act.

§ 2. Hereafter, in case a vacancy shall occur in the board of commissioners for said road, the presiding judge of the Knox county court is hereby authorized to fill such vacancy by the appointment of other commissioners.

§ 3. This act shall take effect from and after its passage.

Approved March 30, 1861.

1861.

## CHAPTER 241.

AN ACT to incorporate Compass Lodge, No. 223, A. F. M., of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Fred Webber, John H. Welsh, Ben Casseday, William Cromie, William McCready, John H. Howe, and Levi Rice, be, and they are hereby, constituted a body corporate and politic; may sue and be sued, purchase and hold property, real, personal, or mixed, and may sell and convey same; may have and use a common seal, which they may break or alter at pleasure; may make and ordain any and all rules, by-laws, and regulations, for the government of said corporation, in conformity with the constitution and laws of this State.

§ 2. This act to take effect from its passage.

Approved March 30, 1861.

## CHAPTER 242.

AN ACT to change a voting place in Powell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the voting place in precinct —, in Powell county, be changed from John Wills' to Miller's school-house.

Approved March 30, 1861.

## CHAPTER 243.

AN ACT to change the line of a precinct in Montgomery county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the line of the precinct in which Mount Sterling is situated, in Montgomery county, shall be so changed as to include in said voting precinct the residences of Jabez Dooly, Harvey Wilson, William Ferguson, and Josiah Ferguson.

§ 2. This act shall take effect from its passage.

Approved March 30, 1861.



CHAPTER 244.

1861.

AN ACT to amend the charter of the Ruddell's Mill and Shawhan's Station turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Ruddell's Mill and Shawhan's Station turnpike road company be so amended as to allow said company to erect a toll-gate, and collect full toll on a less distance than five miles, and the proceeds applied to the further completion of said road.

§ 2. This act shall take effect from its passage.

Approved March 30, 1861.

CHAPTER 245.

AN ACT to authorize the election of a police judge in the town of Irvine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established in the town of Irvine, in Estill county, a police court; and a judge for said court shall be elected by the qualified voters of the town of Irvine, who shall hold his office for four years; and he shall be commissioned by the Governor, and before he enters upon the duties of his office he shall take the oaths [of] office prescribed by the constitution of this State.

§ 2. That the said police judge shall have jurisdiction of crimes and misdemeanors committed in Estill county to the same extent that justices of the peace now have; and shall have the power of two justices of the peace in holding courts of inquiry of persons charged with felony; he shall be a conservator of the peace, and shall have power to punish contempts of his authority by fine not exceeding five dollars.

§ 3. That the said judge shall have original jurisdiction of all causes arising from a violation of the by-laws and ordinances of said town, and in all suits wherein the trustees are either plaintiffs or defendants.

§ 4. That motions and actions against the treasurer or town marshal, for failing to perform the duties of their respective offices, shall be commenced in the police court; and that he shall have power to issue all necessary processes, and compel the attendance of witnesses and jurors to the same extent of justices of the peace.

§ 5. That no civil jurisdiction, other than that granted in the preceding sections, shall belong to said police court.

§ 6. That the police judge shall hold a regular term of his court one day in each month, but that said court may

1861.

sit at any time when circumstances demand it; the monthly term to be fixed by said judge, and entered of record; that he shall keep one docket book, one execution book, and one order book, and that a certified copy of the official acts and records of said court shall be evidence to the same extent that the records of magistrates are.

§ 7. That there shall be a town marshal elected by the qualified voters of the town of Irvine, who shall hold his office for two years; and before he enters upon the duties of his office shall enter into bond and surety to the Commonwealth of Kentucky, conditioned according to law, to be approved by the judge of the Estill county court, and shall take an oath for the faithful discharge of his office, and also the oath required by the constitution of this State; the said marshal shall [have] all power necessary to make arrests, summon parties, witnesses, and jurors for said police court, and do all acts that constables are authorized to perform as a peace officer, and to execute all processes issued by said police judge.

§ 8. That the fees of the said police judge shall be—for issuing a warrant, 25 cents; judgment, 25 cents; recording same, 25 cents; execution, 25 cents; and other fees the same as justices of the peace for like services.

§ 9. That the fees of the marshal shall be the same allowed to constables, and the fees of said judge and marshal be due and collected in the same way that constables and justices of the peace now are; and that motions and actions against the town marshal shall be instituted in the same way that like actions are brought against constables.

§ 10. That an election shall be held in the town of Irvine on the first Monday in August, 1861, for a judge of said police court, and thence every four years thereafter; and at the same time a marshal shall be elected, and thence every two years thereafter; and at the same time three trustees shall be elected by the voters of said town, and thence every year thereafter; and said trustees shall have power to make such by-laws and ordinances as they may think best for the regulation of said town, so that they are not inconsistent with the laws of this State; and that all acts, and parts of acts, in reference to the election or appointment of trustees for the town of Irvine, heretofore passed, are repealed; but, provided, that nothing herein shall be construed so as to affect the laws incorporating the town of Irvine.

§ 11. That the board of trustees may appoint an attorney to represent the interest of said town, and shall be allowed such a salary as the board may agree upon.

§ 12. That should a vacancy occur in the board of trustees, they shall have power to fill the same; and that should a vacancy occur in the office of marshal, it may be filled by

the board of trustees until the next regular election; and a vacancy in the office of police judge shall be filled by calling an election, giving ten days notice by the clerk of the board of trustees.

1861.

§ 13. That the clerk of Estill county court, and the two resident justices of the peace in the Irvine district, shall hold said elections, and give certificates of election to the various persons elected, and shall be paid one dollar per day each by said town.

§ 14. That all fines and forfeitures arising under this act shall accrue and belong to the town of Irvine, and that the marshal shall pay over all money collected by him under this act to treasurer of the board of trustees; and for a failure to do shall be liable to motion on ten days notice before the police judge for such failure, under the same regulations that constables are liable.

§ 15. That either party in causes tried before the said police judge, shall have the right to appeal in the way, and in similar cases, as from judgments of justices of the peace.

§ 16. That when a person shall be arrested by the marshal or other officer, if the offense charged is a misdemeanor, the person arrested may immediately give bail for appearing on the first day of the next term of said police court.

§ 17. This act shall take effect from and after its passage.

Approved March 30, 1861

## CHAPTER 246.

AN ACT incorporating the town of Quincy, in Lewis county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Quincy, in the county of Lewis, be, and the same is hereby, incorporated according to the following boundary, viz: Beginning at the large elm tree at the lower landing on the land of Geo. Truitt, deceased, on the bank of the Ohio river; thence a straight line to the house of Samuel McKee, including the same; thence a straight line to the house of Abram Thomas, including the same; thence running so as to include the saw-mill and house of S. S. Smith, to the county road at the mouth of the lane running to the New Hampshire landing; thence with said lane towards the river to the lower line of Laben Woodworth; thence up the river with his line to the upper lane to the upper Woodworth tract, and with the line of the said Woodworth tract down said lane towards the river

1861. until it strikes the river; thence down the river to the beginning.

§ 2. That Nelson G. Morse, Wm. S. McKinney, and Henry McKee, or two of them, are hereby appointed judges of the first election for officers for said town, who shall, on the first Saturday in May, 1861, after having given three days notice, by written advertisement, posted at two or more public places in said town, proceed to the election of five trustees, a police judge and town marshal for said town, by the qualified voters living therein.

§ 3. That the election for the trustees of said town shall be held and take place annually on the first Saturday in May, and the election of a police judge shall take place on the first Saturday in May, 1861; and the next election shall take place on the first Saturday in May, 1863, and every fourth year thereafter; and the election of a marshal take place on the first Saturday in May, 1861, and every two years thereafter on the first Saturday in May.

§ 4. The polls of the election of police judge shall be returned to the county court of Lewis county at the first term after said election; and said court shall certify to the Governor the result of the election, and the Governor shall issue a commission for the person elected to the office of police judge.

§ 5. The police judge, before entering on the discharge of the duties of his office, shall take an oath before some justice of the peace or judicial officer of Lewis county to faithfully discharge the duties of said office to the best of his ability, without favor or affection, and without partiality to either party, together with such other oaths as other public officers are required to take by the law and constitution. The said police judge shall have jurisdiction within said town of civil causes to the same extent that justices of the peace now have, or may hereafter have in this State; and shall have the same jurisdiction of crimes and misdemeanors committed within said town as two justices of the peace now have; and shall have full jurisdiction within said town of all offenses committed against the by-laws and ordinances of said town; and shall have exclusive power to enter judgments and issue executions for all fines and penalties for such offenses; he shall be entitled to charge and receive the same fees that justices of the peace for similar services, and the same power to collect his fees.

§ 6. Appeals from all judgments rendered by said police judge in civil cases shall be allowed to any party under the same rules and regulations, and to the same tribunals, as appeals are now allowed from justices of the peace in similar cases.

§ 7. The marshal shall, within said town, have the same

powers and perform the same duties, and be liable to the same penalties, that constables are now by law, or may hereafter be required to perform or subject to. The trustees may require of him bond with good security, conditioned to the faithful discharge of the duties of his office; and he shall take an oath before some justice of the peace of Lewis county, before entering upon his duty, to faithfully discharge the duties of his office. The county judge of Lewis county, and the sheriff and county court clerk of said county, shall compare the polls and issue certificates of election to the police judge and marshal; and the police judge of said town shall have power, after the first election, to examine the polls and issue certificates of election to the trustees elected. The judges of the election shall give certificates of election to the trustees under the first election. The examination and comparing of the poll-books for the election of police judge and marshal shall be at the same time that the poll-books for the election of justices of the peace and constables are examined and compared; and the police judge and marshal shall enter upon the duties of their offices at the same time that justices and constables enter upon the duties of their offices. If the judges herein named to hold the first election refuse to act, it shall be the duty of the county judge to appoint officers in their stead.

1861.

§ 8. This act shall take effect from and after its passage.

Approved March 30, 1861.

## CHAPTER 247.

AN ACT to amend the city charter of Lexington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city charter of the city of Lexington, section sixteen, (16,) be so amended as to read: that they shall have the right to license and tax all tavern-keepers within said city, in any sum not exceeding one hundred dollars.

§ 2. They shall also have the right to license and tax all billiard tables within said city in any sum not exceeding fifty dollars for each table.

§ 3. This act to take effect on and after the 1st day of May, 1861.

Approved April 1, 1861.

1861.

## CHAPTER 249.

AN ACT for the benefit of James D. Ballard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of an act, entitled "An act for the benefit of James D. Ballard," approved January 14th, 1858, as provides "that no payment shall be made, as above directed, out of any money that may be necessary to keep said road in good repair," is hereby repealed, and that the toll-gate keeper on the Madison Fork of the Wilderness road is hereby directed to pay to the said James D. Ballard the sum of four hundred and seventy dollars out of any money in his hands as funds arising from tolls of said gate; and that the receipt of said Ballard for that amount shall be a sufficient voucher, in behalf of the gate-keeper, in his settlement with the authorized commissioners of said road; and if the gate-keeper refuse to pay the same out of any such funds in his hands, said Ballard may institute suit therefor in the Laurel circuit court.

§ 2. This act shall be in force from the date of its passage.

Approved April 1, 1861.

## CHAPTER 250.

AN ACT to amend the charter of the Falls City Marine Institute.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the capital stock of this corporation shall be fifty thousand dollars.

§ 2. That this corporation may purchase and sell, by wholesale or retail, fuel, provisions, and wearing apparel; may purchase the stock, manufacture and sell as aforesaid, any of said articles.

§ 3. This act to take effect from its passage.

Approved April 1, 1861.

## CHAPTER 251.

AN ACT for the benefit of N. G. Stanley.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of N. G. Stanley, of Henderson county, for the sum

of twenty-four dollars and fifty cents, (\$24 50,) the amount allowed by the circuit court of Henderson county for boarding a lunatic while awaiting the order of the superintendent of the asylum. 1861.

§ 2. This act to be in force from its passage.

Approved April 1, 1861.

## CHAPTER 252.

AN ACT to amend the charter of the Paris and Bethlehem turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Paris and Bethlehem turnpike road company be so amended that so long as said company shall continue under their contract with the Maysville and Lexington turnpike road company, to keep in repair a portion of said Maysville and Lexington road, from the point of their intersection therewith, they shall be allowed, in the computation of the amount of toll to be charged and received by them at their gate or gates, to count the said portion of road thus kept by them in repair as fully as if it formed a part of their own road.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1861.

## CHAPTER 253.

AN ACT to amend the charters of the towns of New Haven and Bloomfield, and for the benefit of the marshal of Smithland.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to charter the town of New Haven, approved 15th February, 1858, be amended in this: that an election shall be held in said town on the first Monday in August, 1861, for a police judge of said town, to hold his office for four years; and, also, on said day, an election shall be held in said town for a marshal, to hold his office for two years; said last named officer to have the jurisdiction of a constable for the county of Nelson. New Haven.

§ 2. That the trustees of the town of New Haven may levy and collect a tax of not exceeding ten cents on the one hundred dollars worth of property in said town subject to taxation for revenue purposes; or they may appropriate any money in their treasury not otherwise appropriated, for the purchase of a lot, and the erection of a station-house or a lock-up, for the confinement and safe-keeping of all offenders against the laws and ordinances

1861. of said town; said taxing power only to be continued in force so long as may be necessary to raise the funds requisite for the purposes aforesaid.

§ 3. The election provided for herein shall be held at the same place, and by the same officers appointed for State and county elections.

Smithland.

§ 4. The marshal of the town of Smithland shall possess, and may exercise, within his county, the same duties as are allowed to the marshal of New Haven in this act.

Bloomfield.

§ 5. This act to apply to the town of Bloomfield, in Nelson county, and be in force from its passage.

Approved April 1, 1861.

#### CHAPTER 254.

AN ACT to authorize the county judge of Garrard county to change the place of voting in district No. 1.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county judge of Garrard county be, and he is hereby, authorized to change the voting place in district No. 1, known as Brandy Spring precinct, from its present place of voting, to some convenient and practicable point near the center of said district: *Provided*, That no such change shall be made until due notice thereof shall have been given by posting up notices at five of the most public places in said district.

§ 2. This act shall take effect from its passage.

Approved April 1, 1861.

#### CHAPTER 255.

AN ACT for the benefit of Thomas Landrum and Henry Griffith, late sheriffs of McLean county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thomas Landrum and Henry Griffith, late sheriffs of McLean county, be, and they are hereby, allowed two years, from the passage of this act, to collect the remainder of their taxes and fee bills in said county of McLean.

§ 2. That the said Landrum, late sheriff of Daviess county, be allowed the further time of two years to collect his arrearages of taxes and fee bills in the county of Daviess; and that said sheriffs be governed by the same laws under which they acted in said counties of Daviess



and McLean, and liable to the same penalties as sheriffs for issuing and collecting illegal fee bills.

1861.

Approved April 1, 1861.

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#### CHAPTER 256.

AN ACT to amend the charter of the town of Hammons-ville, in Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county judge of Hart county shall appoint two judges and a clerk, citizens of the town of Hammons-ville, Hart county, Kentucky, whose duty it shall be to hold an election in said town for an election of trustees, a police judge, and marshal for said town; the election to be held at the time prescribed in the act incorporating said town.

2. At all subsequent elections for officers of said town, the trustees of the same shall have the power, from time to time, to appoint officers for the purpose of holding elections for the town aforesaid.

§ 3. This act to take effect from its passage.

Approved April 1, 1861.

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#### CHAPTER 257.

AN ACT for the benefit of the Christian Church at Parker's Stand.

WHEREAS, The surviving members of the Christian Church at Parker's Stand, in Bourbon county, are unable longer to maintain the same as a place of religious worship, and have asked for power to sell their church property, and donate the proceeds to the Orphan Asylum at Midway, and requested the appointment of W. A. Parker as a commissioner for that purpose:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said church at Parker's Stand, in Bourbon county, shall have power to sell, either at public or private sale, their house of worship and the lot upon which the same is situated, and to donate the proceeds, after paying the expenses of sale and conveyance, to the Orphan Asylum at Midway; and that Wm. A. Parker, the commissioner selected by said church, shall have full power, in their behalf, to make such sale, conveyance, and donation of the proceeds.

§ 2. This act shall take effect from and after its passage

Approved April 1, 1861.

1861.

## CHAPTER 258.

AN ACT to amend the charter of the Kentucky Mechanics' Institute of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That, for the purpose of more fully developing the objects of the institute, the president and directors may issue certificates of membership to all persons who will pay into the treasury of the institute such sum or sums as may be prescribed by the institute, which certificates will entitle the holders to the privileges pertaining thereto; such certificates of membership may be made transferable.

§ 2. The institute shall, within one month after the passage of this act, determine the price or prices of memberships, with the privileges thereto pertaining, and publish the same for one week in one or more of the daily papers published in the city of Louisville.

§ 3. When a number of members are procured sufficient to insure to the institute the sum of not less than ten thousand dollars, the president and directors may issue stock and sell the same, as provided in an act approved March 14th, 1856.

§ 4. If the president and directors shall issue certificates of stock and sell the same, they shall set aside from rents and other incomes of the institute a sum equal to four per cent. upon the total amount of stock so issued, as a certain dividend to the stockholders, which dividend shall be paid semi-annually; though this act shall not be so construed as to prevent said president and directors from declaring and paying a greater dividend; but they shall not declare or pay a greater dividend than ten per cent. per annum upon the capital stock.

§ 5. This act to take effect from its passage.

Approved April 1, 1861.

## CHAPTER 259.

AN ACT to amend the charter of the Galt House Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That at all meetings of the stockholders of the Galt House Company, they may vote by proxy as well as in person; and all votes heretofore cast by proxy, at any meeting, shall be held to be as valid and of the same effect as if cast in person; and the acceptance of the act approved January 13, 1854, entitled "An act to amend the charter of the Galt House Company," as made at the meeting of the stockholders held on the 18th day of March,

1854, shall be held to be binding on said company, and in full force from the said 18th day of March, 1854.

1861.

§ 2. The bonds issued by the said company under the provisions of the said act, approved January 13th, 1854, to an amount in all not exceeding one hundred thousand dollars, shall be a lien on the Galt House, and on all the real and leasehold estate of said company; and the said company are empowered, if they see proper, to further secure them by a mortgage upon any or all of their said property.

§ 3. This act shall not take effect until it shall be approved by a majority of the stockholders in a meeting to be specially called for the purpose of considering the same, notice of which shall be given by publication in a daily newspaper in the city of Louisville ten days previously.

§ 4. This act to take effect from and after its passage.

Approved April 1, 1861.

#### CHAPTER 260.

AN ACT authorizing the transcript of certain records and making indexes, in the county court clerk's office of Rockcastle.

WHEREAS, It is represented to the General Assembly that certain records of the Rockcastle county court clerk's office are so mutilated and worn that it is necessary, for the preservation and safety of certain records, that portions of them should be transcribed in new and well bound books; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county judge of Rockcastle county shall examine said office, and have an order entered upon the order book of said county court, designating what portion of the records shall be transcribed.

§ 2. That after such an order is made, and in compliance thereto, the clerk of the Rockcastle county court shall be required to transcribe the records thus designated.

§ 3. That all such transcripts so made out, as authorized by this act, shall be as valid in law as the original.

§ 4. The county judge shall make the clerk a reasonable allowance, to be paid out of the county levy, for the records transcribed, and for the indexes and cross-indexes.

§ 5. The said clerk shall be authorized, according to the provision of the first section of this act, to make all necessary indexes and cross-indexes to the books transcribed; and also such indexes and cross-indexes as said judge may order as necessary, to any of the record books of said office which may not be necessary to be transcribed.

§ 6. This act shall be in force from its passage.

Approved April 1, 1861.

1861.

## CHAPTER 261.

AN ACT to incorporate the Paris Gas-light Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Name & style,  
and corporate  
powers.

§ 1. That Charles Talbut, Thos. L. Arnold, B. F. Williams, Wm. W. Mitchell, B. F. Pullen, Richard Hawes, Henry Hopson, R. H. Hanson, and Geo. W. Williams, their associates and successors, when organized under the provisions of this act, shall be, and are hereby, created and made a body corporate, under the name and style of the "Paris Gas-light Company," and by that name shall be as capable of contracting and being contracted with, suing and being sued, and answering and being answered, in all courts and elsewhere, as natural persons; may have and use a common seal, and alter and renew the same at pleasure; and may adopt such rules and by-laws for the government and efficient management of the concerns of said company, as may be deemed by them expedient: *Provided*, The same are not contrary to the laws and constitution of this State or to this act.

Business of  
corporation.

§ 2. That the business of said company shall consist in furnishing the corporate authorities and citizens of Paris with gas-light, in accordance with such terms as may be agreed upon by contract with such authorities and citizens; and for that purpose the capital stock of said company shall be such sum as may be required, not exceeding thirty thousand dollars, to be divided into shares of fifty dollars each; said stock to be held as personal estate, and be transferable on the books of said company; the said company may purchase and hold such land as may be necessary for its works and necessary buildings, and may sell or exchange the same, and purchase again, as may be necessary; and may hold such personal estate, pipes, machinery, etc., as may be needed for the business of said company.

Purchase and  
hold land, &c.

Stock—how  
voted.

§ 3. Certificates of stock shall be issued, signed by the president and secretary of said company, with the seal of the company attached; and at all meetings of the company each share shall be entitled to one vote, which may be cast in person or by written proxy. There shall be annually elected by the stockholders five directors, who shall choose out of their number a president and secretary, and such other officers as the by-laws of said company may require.

Corporators  
may open books

§ 4. The corporators above named, or any three of them, may open books for the subscription of stock to said company, which subscriptions shall be binding in law on the subscribers thereto; and whenever an amount in their judgment sufficient to warrant the organization of the company is subscribed, they shall call a meeting of the

subscribers by advertisement for two weeks in the newspapers published in Paris ; and at such meeting five directors shall be elected, who shall serve for one year, and until their successors are chosen ; and the succeeding elections shall be held at such times and places as the company by their by-laws may prescribe. To the president and directors of said company shall be intrusted the management of the property and business thereof. The president and directors shall fill such vacancies in their body as may occur by death, resignation, or otherwise ; and they shall have power to borrow money to extend or carry on their works or business.

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Officers — when elected.

President, &c. to manage business.

§ 5. That if any person or persons shall willfully, by any means, destroy or injure any gas pipes, lamps, or posts, or any fixtures, works, or machinery of said company, such person or persons shall be liable for the damages occasioned by such acts, and shall also be liable to an indictment for a misdemeanor ; and on conviction thereof, shall be fined, at the discretion of a jury, any sum not exceeding five hundred dollars ; but this section shall not be held to change the law as to arson, or willfully burning the houses of said company.

Penalty for injuring works.

§ 6. This act shall take effect from and after its passage.

Approved April 1, 1861.

## CHAPTER 262.

AN ACT to amend the charter of Uniontown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter it shall be the duty of the assessor of the town of Uniontown, before he shall return a list of the taxable property of any person residing in Union county and owning property in said town of Uniontown liable to taxation under the laws in force in reference to said town, to apply to the owner of said property to list the same for taxation, and on his failure or refusal to render a true list thereof, said assessor shall return the name of said owner of property to the board of trustees of said town, who shall then cause said owner to appear before them, at a time and [place] fixed in the summons, and then and there, under oath, give in a list of his said property in said town liable to taxation ; and on his failure, without reasonable cause, may be fined a sum not exceeding ten dollars.

§ 2. That any person or persons considering themselves aggrieved by the assessment of his or their property, heretofore or hereafter made for taxation in said town, shall have until the 10th day of July to appear before the board

1861.

of trustees of said town and correct his list of taxable property returned by the assessor; and said owner may be sworn and required to render a true list of his property, under oath, and the value of each article; and he or she may introduce other evidence, if he or she so desires; and said board shall meet in ten days, after written application for such meeting is made, as herein provided for, and notify said applicant of the time and place of their meeting for at least twenty-four hours, and shall then hear and determine the correctness of said list.

§ 3. That all persons who may be fined by the police judge of the town of Uniontown, or by a jury, for a violation of the ordinances of said town, and shall refuse or fail to pay such fine, the police judge shall have power to cause such person or persons to labor on the streets, or any public improvement of the town, until he or they shall pay the said fine at the rate of one dollar per day.

§ 4. That in case a vacancy shall occur in the board of councilmen of Uniontown, by death or otherwise, said board shall have the power to fill such vacancy by appointment, until the first regular election next after such appointment.

§ 5. That the board of councilmen shall have power to issue town scrip in payment for town improvement, to be made payable not less than twelve months after date, which scrip shall be received by the collecting officer of said town in payment of any taxes due from any citizens to said town.

§ 6. That no slaves shall be listed for taxation in said town, except such as are kept therein for domestic purposes, and such as are employed at labor within the limits of said town; and no slave shall be listed for taxation whose labor and employment are not within the limits of said town, even though such slave or slaves shall lodge at the residence of their owner or owners; nor shall horses, mules, or cattle, owned by any citizen thereof, be taxed for town purposes which are used exclusively outside of the limits of said corporation; and all the land therein not laid out into lots shall be listed and taxed only as such land is reasonably worth for farming purposes: *Provided*, That if any of such land shall hereafter be laid off into lots for sale or improvement, or otherwise, the same shall be liable to the same taxation as other lots and improvements in said town.

§ 7. That the police judge shall have concurrent jurisdiction with justices of the peace within the district in which said town is located.

§ 8. This act shall take effect from and after its passage.

Approved April 1, 1861.

## CHAPTER 263.

1861.

AN ACT incorporating Roaring Spring, in Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Wm. Richard, Volney Baird, D. R. Leech, F. M. Stephens, and W. D. Gleaves, and their successors in office, be, and they are hereby, created a body corporate and politic, under the name and style of the trustees of the town of Roaring Spring, and under that name may sue and be sued, plead and be impleaded, in all the courts in this Commonwealth.

§ 2. That the corporate limits of said town shall be as follows: commencing at the residence of L. W. Landrum, thence with an east line to the Lafayette road; thence in a direct line to W. D. Gleaves' barn; thence direct to the dwelling of D. R. Leech; thence direct to the dwelling of J. W. Stewart; thence direct to the Roaring Spring school-house; thence to the beginning.

§ 3. That there shall be an election held in said town, on the first Monday in June next, and on the same day every year thereafter, at which all legal voters residing in the above bounds shall be entitled to vote, for the purpose of electing five trustees who shall continue in office one year, or until their successors are qualified; said trustees shall take an oath faithfully to discharge the duties of their office, they shall elect a clerk, who shall enter at large the proceedings of said board at each meeting in a book to be kept for that purpose.

§ 4. That the provisions of an act, entitled "An act to amend the charter of the town of Canton, in Trigg county," approved at the present session of the Legislature, be, and the same is hereby, incorporated into, and made a part of this act.

§ 5. This act shall take effect from its passage.

Approved April 1, 1861.

## CHAPTER 264.

AN ACT to incorporate Clarke Lodge, No. 51, A. Y. M., of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky.*

§ 1. That William Kerr, William Tweddle, Meyer Kraft, Chas. C. Ketchum, and William A. Warner, or such other five principal officers as may be elected from time to time, or a majority of them, be, and they are hereby, created a body corporate, under the name and style of Clarke Lodge, No. 51, and that the officers and members of said lodge,

1861. and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid, they are hereby made capable, in law, to sue and be sued, plead and be impleaded, to contract, and to answer and be answered, in all the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and the same to break, alter, or change at their pleasure.

§ 2 The said corporation shall have the right to take and hold by purchase, gift, or devise, real and personal estate, not exceeding the sum of one hundred thousand dollars, to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of the five principal officers, to be elected annually by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority thereof.

§ 4. The Legislature reserves to itself the right to annul, modify, or repeal this act; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act.

§ 5. That this act shall take effect from its passage.

Approved April 1, 1861.

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## CHAPTER 265.

AN ACT for the benefit of H. B. Bohannon and Frances M. Potts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Henry B. Bohannon and Frances M. Potts, both, or either, trustees of Mrs. Ophelia Jones, and her children, William, Fannie, and Sillie Jones, under the will of Richard B. Bohannon, deceased, of Woodford county, Kentucky, be, and they are hereby, allowed to resign the trust imposed upon them and each of them by said will, having first settled their accounts as such; they shall then file a petition to the Woodford circuit court, upon which process shall be issued as in other cases, setting forth the nature of the trust reposed in them, the time of their appointment, and that they have settled their accounts as required by law, which petition shall be sworn to as in case of other pleadings, praying said court to receive their resignation of said trustship; and thereupon said court shall accept the resignation of both or either said trustees, and appoint such other person or persons trustee in their place, with or without security, as the court may deem proper; and make such other orders in refer-



ence thereto as may be required, not inconsistent with the provisions of the will of said R. B. Bohannon.

1861.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1861.

## CHAPTER 266.

AN ACT to amend the charter of the Deposit Bank of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Deposit Bank of Owensboro be so amended in section 1st, 3d line, so as to read "one hundred thousand," instead of "fifty thousand." Amend section 2d by striking out after the word "States," in the 23d line, the following: "To be returned to their places of issue, and not paid out or circulated in this State." In section 28, 2d line, strike out "one hundred shares," and insert "two hundred shares."

§ 2. This act to take effect from and after its passage.

Approved April 1, 1861.

## CHAPTER 267.

AN ACT to incorporate the Davis Presbytery of the Cumberland Presbyterian Church.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William L. Casky, Joel M. Pennick, James M. Gill, Nathaniel L. Porter, John Roach, William A. Miller, and George T. Blakey, and their successors, shall be, and they are hereby, declared and constituted a body corporate and politic, by the name and style of the Trustees of the Davis Presbytery of the Cumberland Presbyterian Church; and by that name and style shall sue and be sued, plead and be impleaded, and possess all the powers and rights of a corporate body, and shall continue in office until the fall session of said Presbytery, in the year eighteen hundred and sixty-two, and until their successors are duly elected and qualified according to law.

Corporators  
names and cor-  
porate powers.

§ 2. That the Board of Trustees of the Davis Presbytery of the Cumberland Presbyterian Church shall have full power and authority to receive, in trust for the said Presbytery, any donation, bequest, or other charities, which may or have been hitherto made to said church, or to said Presbytery, or to said board of trustees, for the use and benefit of said church or Presbytery, for educational, relig-

May receive  
donations, &c.

1861.

ious, or charitable purposes, under the direction of said Presbytery.

Money, &c., to be held in trust for use of Presbytery.

§ 3. That all moneys or other estates of every description, which may be vested in said board of trustees, by virtue of their office, shall forever be held in trust for the use of said Presbytery and said church, the interest alone of which shall be devoted to religious, charitable, or educational purposes, as said Presbytery may direct.

May elect trustees.

§ 4. That said Presbytery shall be empowered to elect her said trustees at her regular and stated meetings, any five of whom, assembled at a regular meeting, or by a constitutional call, shall constitute a quorum to do business.

May appoint executive committee

§ 5. That said board of trustees may appoint an executive committee, to consist of the secretary, treasurer, and three other members, to manage the fiscal concerns of said board, any three of whom shall constitute a board to do business.

Officers — when elected.

§ 6. That said board of trustees shall meet annually on the fourth Monday in June, in each year, at which time they shall elect a president, vice president, secretary, and treasurer, who shall continue in office until their successors are elected and qualified; the said board shall meet semi-annually, or oftener, on its own adjournment, or by a call of the president or vice president, to transact business, to make all necessary arrangements for carrying into effect the views of said Presbytery, to manage and invest the funds collected, or any other property or estate; and said board shall report to said Presbytery annually at her regular meetings.

Meetings — how conducted.

§ 7. That the president of said board shall preside in all the meetings of the same; call special meetings at the request of any two members; and the vice-president, in the absence of the president, shall preside and possess similar powers; and in the absence of both president and vice-president, then said board may choose a president *pro tem.*, who shall preside for the time being.

Secretary to keep record.

§ 8. That the secretary shall keep a full and fair record of all the proceedings of said board, and carry on all its correspondence.

Treasurer — his duties.

§ 9. That the treasurer shall take charge and dispose of all funds according to the direction of said board, and report when called on.

Treasurer to give bond.

§ 10. That the treasurer shall give bond, with approved security, in such penalty to said board as the same may, from time to time, direct, for the faithful performance of his duties: *Provided*, That none of his securities shall be members of said board.

Vacancies — how filled.

§ 11. That vacancies created by death, resignation, or in any other manner, shall be filled by the ensuing presbytery

of said church, unless said board find it absolutely necessary to do it themselves, in which case the appointment to fill any vacancy shall continue only until the vacancy shall be filled by said presbytery.

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§ 12. That in case of the failure of any officer of said board to serve according to the requisitions of said presbytery, the board shall have power to elect a suitable person to such office, according to said requisitions, and to remove delinquents in office.

§ 13. That should the time ever come when any religious body claiming to be the successors of the present presbytery of said church, and should hold and maintain doctrines and sentiments different from those now held by said church, then the powers and privileges granted to the said presbytery of said church shall enure to, and be vested in, that body of people professing and preaching the doctrines of said church as now set forth in her confession of faith.

Benefits of this act transfer'ed.

§ 14. That said board shall have authority, by law, to collect all such sums of money, all legacies, bequests, donations, and estates of every description, as have heretofore been, or may hereafter be subscribed, devised, bequeathed, or donated by individuals, or for which any person or persons may have heretofore, or may hereafter execute their notes or bonds to said church, presbytery, or board.

May collect money, &c.

§ 15. And should the time ever come when the said Davis Presbytery of said church should cease to exist as a presbytery, or should said presbytery be divided according to the rules of said church, by which the present county of Todd, which is now embraced within the bounds of said Davis Presbytery, should cease to be a part of said presbytery, that then all the powers and privileges granted to said Davis Presbytery of said church shall enure to, and be vested in that presbytery of said church that may include the county of Todd; and any donation, bequest, or other charities which may have heretofore, or may hereafter be made to said board of trustees, for the use and benefit of said Davis Presbytery of said church, and found to be within the county of Todd, or given by any citizen of said county of Todd, shall pass over with the county of Todd, and be vested as aforesaid in that presbytery that may include the said county of Todd.

In case of division of Presbytery. how property divided.

§ 16. This act shall take effect from and after its passage.

Approved April 3, 1861.

1861.

## CHAPTER 268.

AN ACT to amend the charter of the Stanford and Lancaster turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the president and directors of the Stanford and Lancaster turnpike road company be, and they are hereby, authorized to open books, at such times and places, and in such manner, as they may see proper, for such an additional amount of stock as may be necessary to erect a bridge across Dix river, at or near the present bridge used by said road; and when the same is completed, they shall be allowed to charge the same rate of toll for crossing said bridge as they now charge at any one of the gates on said road; and they may erect a gate at said bridge, or collect the same at either of said gates now established.

§ 2. The county courts of Lincoln and Garrard may subscribe stock to aid in the construction of said bridge.

§ 3. The president and directors are authorized to borrow money to aid in the construction of said bridge, at any rate of interest not exceeding ten per cent., and they shall be allowed to pledge the tolls of the road and bridge for the repayment of the money borrowed.

§ 4. The hands on the farms of the following persons liable to work on county roads shall be exempt from working on the same: The farm of A. Baker's children, John Myers, Zach Elkin, A. and F. Mershon, Weden Smith, Ephraim Smith, and John Mershon. The hands now on said farms, or such as may hereafter live on the same, instead of working county roads, shall be required to work on the Stanford and Lancaster turnpike road, under the control and management of the president and directors of said company, who shall have the same remedy to require hands to work on the said turnpike road as are given to surveyors of county roads; and the hands exempted by this act from working county roads shall incur the same penalty for refusing to work on said turnpike as they are liable to for failing to work county roads; the fines to be paid to the directors of said company, and used in repairing said road.

§ 5. The hands exempted shall not be required to work more than five days in one year, and not on the south side of Dix river.

§ 6. This act shall take effect from its passage.

Approved April 3, 1861.

CHAPTER 269.

1861.

AN ACT for the benefit of common school districts in Meade county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the trustees of school districts, in the county of Meade, that had schools taught in their districts in the year 1860, according to law, the reports of which failed to reach the common school commissioner of said county in time to be reported to the Superintendent of Public Instruction under existing laws; that if the trustees report the same to the school commissioner, and he to the Superintendent of Public Instruction, and the said Superintendent shall draw his order on the Auditor for the amounts due each district, the same shall be as if they had been reported in due time under existing laws.

Approved April 3, 1861.

CHAPTER 271.

AN ACT for the benefit of the surveyor of Monroe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time of two years, from and after the passage of this act, is hereby given to the surveyor of Monroe county in which to list and collect his fee bills: *Provided*, That said surveyor shall be subject to all the pains and penalties of the law now in force for issuing or collecting illegal fee bills.

§ 2. This act to take effect from and after its passage.

Approved April 3, 1861.

CHAPTER 272.

AN ACT for the benefit of common schools in Meade county.

WHEREAS, The bonds for surplus of school fund due Meade county has not been issued as now prescribed by law,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Governor is hereby authorized to issue the same as may appear due said county of Meade from the report of the Superintendent of Public Instruction; and the Auditor is hereby authorized to draw his warrant on the Treasurer for the interest on the same, as if they had been issued as now required by the Revised Statutes.

Approved April 3, 1861.

1861.

## CHAPTER 273.

AN ACT for the benefit of James Morton, of Greenup county.

WHEREAS, John Warring & Co., of Greenup county, listed for taxation, in 1860, their lands at \$40,500, and it appears that this list was omitted in the assessor's book furnished the sheriff, but was on the copy furnished the Auditor of Public Accounts; that said Warring & Co. have no property out of which the tax can be made; that James Morton, deputy for G. W. Darlington, sheriff of Greenup county, paid the tax; therefore

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James Morton, late deputy for G. W. Darlington, late sheriff of Greenup county, be permitted to return to the Greenup county court the lands listed in the name of John Warring & Co., as delinquent for the non-payment of taxes thereon for the year 1860; the return by the sheriff shall be under oath, and the clerk shall certify the same to the Auditor, in the manner prescribed by law; upon such list being certified to the Auditor of Public Accounts, he shall draw his warrant on the treasury for the taxes paid by the sheriff of said county on said lands, in favor of said James Morton, viz: the sum of (\$81 00) eighty-one dollars.

§ 2. This act shall take effect from its passage.

Approved April 3, 1861.

## CHAPTER 274.

AN ACT for the benefit of the Cynthiana and Raven Creek turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Cynthiana and Raven Creek turnpike road company, of Harrison county, are hereby authorized and permitted to erect an additional toll-gate on their turnpike road, and charge toll thereat; said gate to be erected not less than five miles distant from the present one; and the rate of toll charged shall only be in proportion with the present rates of toll as two and three quarters is to five miles.

§ 2. This act shall take effect from its passage.

Approved April 3, 1861.

CHAPTER 275.

1861

AN ACT for the benefit of school district No. 47, in Knox county, and No. 6, in Lincoln county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 47, in Knox county, have further time till the first day of June next, to make out and present their report of common schools for said district for the year 1860, to the commissioner of common schools for said county; and when so reported, the commissioner shall report the same to the Superintendent of Public Instruction, who shall thereupon receive the same, and draw the Auditor's warrant upon the treasury for the amount to which said district may be entitled of the school fund dividends for the year 1860, and forward the same to the school commissioner of Knox county.

§ 2. The provision of this act shall apply to the sixth school district of Lincoln county.

§ 3. This act shall be in force from its passage.

Approved April 3, 1861

CHAPTER 276.

AN ACT to define the southern tax limits of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all that portion of the city of Louisville bounded by Fifteenth street on the west, and Campbell street on the east, and by the present voting limits on the south, shall be included within the tax limits of said city, and subject to taxation from and after the 10th of January, 1861, under the laws and ordinances of said city.

§ 2. This act shall take effect from its passage.

Approved April 3, 1861.

CHAPTER 277.

AN ACT for the benefit of school district No. 11, in Owsley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William Williams, the commissioner for common schools in Owsley county, be, and he is hereby, allowed until the first day of May, 1861, to make his report for school district No. 11, in Owsley county; and when said

1861. report shall have been properly made, the Auditor of Public Accounts shall draw his warrant upon the treasury for the same, which shall be paid out of any money in the treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved April 3, 1861.

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## CHAPTER 278.

AN ACT for the benefit of school district No. 10, in Harlan county.

WHEREAS, It appears that the trustees of school district No. 10, in Harlan county, for the year 1859, failed to receive the amount of money due said district from the common school fund, by the sum of forty-four dollars and forty cents, on account of an error in the Superintendent of Public Instruction; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the treasury in favor of the common school commissioner of Harlan county, for the sum of forty-four dollars and forty cents, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved April 3, 1861.

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## CHAPTER 279.

AN ACT to amend an act to incorporate the town of Grayson, in Carter county, approved February 22, 1860.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the corporate limits of the town of Grayson, be, and they are hereby, extended, so as to embrace the one hundred acres originally laid out and designated for said town.

§ 2. That all fines and forfeitures for breaches of the peace, committed within the limits of said town, and all fines for a violation of its by-laws and ordinances, when collected, shall be paid to the treasurer of the board of trustees of said town, and by them be appropriated to the payment of the ordinary expenses of said town, and for the improvement thereof.

§ 3. That the bond required to be given by the marshal of said town, by the 11th section of the act of incorporation to which this is an amendment, shall be given in the



county court of Carter county, and the sureties in such bond shall be approved by said court. 1861.

§ 4. That sections 8, 15, 23, 25, 27, 28, 29, and 30, of an act, entitled "An act to incorporate the town of Carrsville, in Livingston county," approved February 28, 1860, (Session Acts, 1859-60, vol. 2, page 386,) and also sections 1, 2, and 3, of an act, entitled "An act to amend an act establishing the town of Vanceburg, in Lewis county," approved February the 20th, 1860, (Session Acts, 1859-60, vol. 2, page 93,) be, and are hereby, made applicable to the said town of Grayson.

§ 5. This act shall take effect from and after its passage.  
Approved April 3, 1861.

## CHAPTER 280.

AN ACT in relation to the town of Greenupsburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the qualified voters residing within the limits of the town of Greenupsburg, in Greenup county, shall, on the first Saturday in May next, and on the first Saturday in May in every second year thereafter, elect a street commissioner, who shall, within sixty days after his election, execute bond in the county court of said county, with security to be approved by the court, conditioned for the faithful discharge of the duties of his office.

§ 2. It shall be the duty of said street commissioner to keep the streets and alleys of said town in repair. He may employ hands and teams, and purchase such necessary tools as may be required. He may have the labor of all able bodied men confined in the jail of said county, for fines for violation of the penal laws, and with or without compensation, as the county court may, from time to time, direct. The jailer is hereby authorized to permit the street commissioner to have the custody of such persons while engaged at work; and if the county court shall direct such persons to be hired to the street commissioner, then the jailer is hereby authorized to hire to said street commissioner any able bodied man confined for the offenses aforesaid. It shall be the duty of the county court of said county to provide for the safety of such persons while employed at work, by adopting such measures as may be deemed proper, by chain and ball, or otherwise, as the court may direct; and the street commissioner shall observe such regulations. The sum contracted for, and paid for the labor of such persons, shall be applied to the payment of the expenses of the confinement of such persons in the jail. It shall be the duty of the jailer to report to the county

1861. court, in writing, at each court of claims, the name and time each person shall labor under this act, and the amount paid for such labor. It shall be the duty of the street commissioner to make a like report at the same time. It shall be the duty of the sheriff to pay to the street commissioner the tax collected within the town of Greenupsburg, under an act, entitled "An act in relation to roads and bridges in Greenup county," passed at the present session of the General Assembly, and also the tax collected under said act from Alexander Rankins, Jno. C. Kouns, W. T. Kouns, Geo. Hager, John Seaton, Jesse Corum, sr., Wm. Corum, John B. King, and E. J. Hockady; and should they remove hereafter from the places now occupied by them, then the tax paid by such persons as may occupy their places, shall be so collected and paid. The county court shall have power to suspend so much of this act as requires the tax that may be collected from the aforesaid persons, to be paid to the street commissioner; and in that event, the same shall be paid to the county treasurer.

§ 3. Should the people of said town fail to elect a street commissioner as herein provided, the county court may appoint one, who shall execute the duties of the office until his successor is elected and qualified. The street commissioner shall settle with the county court, or such commissioner as the court may appoint, unless the citizens of said town should elect trustees, in which event the settlement shall be with them; and they shall direct in what manner the commissioner shall improve the streets and alleys.

§ 4. An action may be maintained in the name of the Commonwealth for the use of the town of Greenupsburg against the said street commissioner for a violation of the conditions of his bond.

§ 5. An action may be maintained against the sheriff, or other officer and their securities, or any of them or their representatives, for any moneys required to be paid to the street commissioner in the name of the Commonwealth of Kentucky for the use of the town of Greenupsburg.

§ 6. Should the citizens of said town elect trustees at any time, and a treasurer be appointed by them, then the moneys directed to be paid by this act to the street commissioner shall be paid to such treasurer, who shall, with his securities, be responsible therefor in the same manner as the street commissioner.

§ 7. The officers whose duty it is, by law, to preside at the election of constable and justices of the peace, in the district embracing the town of Greenupsburg, shall open a poll at the times designated herein for street commissioner, and conduct the election as to such officer in all respects as to other officers; the officers comparing the

polls for such election shall give a certificate of election to the person receiving the highest number of votes.

1861.

§ 8. All fines imposed for violations of the penal laws committed within the town limits of Greenupsburg, shall, when collected, be paid to the street commissioner, to be applied in the same manner as the tax herein referred to; and said street commissioner may maintain an action against any officer and his sureties, or any one or more of them, in any court having jurisdiction thereof, to recover any sum in the hands of such officer, and which he may fail to pay over to said commissioner.

§ 9. The county court of said county may allot such hands as the court may deem proper, within the town of Greenupsburg, as are required by law to work the public roads, to work on the streets and alleys of said town under the street commissioner: *Provided*, That no hand shall be required to work more than three days in any year; and such persons shall be exempt from working the roads; the county court shall make the street commissioner an allowance for his services; or if trustees for said town shall be elected, they shall make the allowance, to be paid out of any moneys in his hands.

§ 10. This act shall take effect from its passage.

Approved April 3, 1861.

## CHAPTER 281.

AN ACT in relation to roads and bridges in Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That "An act to amend and reduce into one the road laws of Greenup and Lewis counties," approved February 13th, 1858, so far as relates to the county of Greenup, be, and the same is hereby, repealed.

§ 2. That a tax of five cents on each one hundred dollars worth of property in the county of Greenup, subject to taxation for revenue purposes, shall be collected by the sheriff of Greenup county, in the same manner, and at the same time, that the State revenue is collected, and shall be paid to the treasurer (hereinafter provided for) at the same time the sheriff is required by law to pay over the State revenue.

§ 3. That the money raised by the tax herein provided for, shall be appropriated to the building and repairing of bridges in the county of Greenup, except so much as may be collected in the town of Greenupsburg.

§ 4. That the county court of Greenup county, at its October term, in each year, shall appoint a treasurer, who

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shall execute bond to the Commonwealth of Kentucky with security, to be approved by the court, conditioned for the faithful keeping and disbursing of the money by him received, and for the performance of the duties of his office; and for a violation of the conditions of such bond, an action may be prosecuted thereon in the name of the Commonwealth of Kentucky, for the use of the Greenup county court, or for the use of any one aggrieved, in any court having jurisdiction thereof.

§ 5. The treasurer shall pay out the moneys by him received as the county court of Greenup county may authorize and direct; shall keep a just and true account of all moneys received and paid out, and make report of his accounts at the court of claims in each year, and at such other times as he may be required by the court; shall also, from time to time, make settlements of his accounts with such commissioner, or commissioners, as the court may direct; he shall, before entering upon the duties of his office, take an oath faithfully and impartially to discharge the duties of his office.

§ 6. The treasurer shall, upon the expiration of his term of office, deliver to his successor all moneys in his hands, and books, papers, &c., pertaining to his office.

§ 7. The sheriff shall, at the May county court, 1861, and thereafter, at the same time he executes bond for the collection of the county levy, also execute bond, with security to be approved by the court, conditioned for the faithful discharge of his duties under this act, and for the payment to the treasurer of the money by him collected. The bond shall be payable to the Commonwealth of Kentucky; and an action for a breach thereof may be prosecuted in any court having jurisdiction thereof, in the name of the treasurer of Greenup county. The sheriff shall be allowed the same commission for collecting the tax herein provided for as now allowed by law for collecting the State revenue. The county court shall make an allowance to the treasurer for his services, which may be paid out of the moneys in his hands, or otherwise, as the court may direct.

§ 8. The overseers of roads in said county shall continue in office until their successors are appointed by the county court, and shall perform the duties required of overseers under the general road laws.

§ 9. This act shall take effect from its passage.

Approved April 3, 1861.

## CHAPTER 283.

1861.

AN ACT for the benefit of the Boone county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Boone county be, and the same is hereby, invested with the same power to change and fix upon the voting place in the Hamilton district, in said county, that it now has in relation to other voting places in the other districts of said county.

§ 2. This act shall be in force from its passage.

Approved April 3, 1861.

## CHAPTER 284.

AN ACT to incorporate the Bloomfield Female Collegiate Institute.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Ben. A. Wilson, N. G. Thomas, J. C. Wigginton, Dr. Josh Gore, Stillwell D. Heady, E. C. Tichenor, Lemuel Stone, Abner King, Lud. McKay, jr., Ben. Pile, and James T. Samuels, and their successors in office, as trustees, be, and they are hereby, constituted a body politic and corporate, under the name and style of the Bloomfield Female Collegiate Institute; and by that name shall have a common seal, with power to contract and be contracted with, sue and be sued, plead and be impleaded, in the several courts of this Commonwealth; and to ordain and enforce such by-laws for the management of said institution as they may deem proper: *Provided*, The same be not inconsistent with the Constitution and laws of this State or the United States.

§ 2. The said trustees shall have power to confer on the pupils of said Female Collegiate Institute any and all degrees which are usually conferred by the best incorporated female colleges or seminaries of this Commonwealth.

§ 3. This act to take effect from its passage.

Approved April 3, 1861.

## CHAPTER 285.

AN ACT to incorporate the New Castle Cornet Band.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Dr. Joseph S. Drane, Joseph Brinker, L. M. Perry, B. W. Jenkins, and Thomas D. Wright, of Henry county, and their associates, are hereby created a body pol-

1861.

itic and corporate, by the name and style of the "New Castle Cornet Band;" and by that name and corporate style shall have perpetual succession; and they and their successors are hereby vested with full power to acquire, use, sell, dispose of, and convey real and personal estate not exceeding in value ten thousand dollars; and in said corporate name they shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; to make such by-laws, rules, and regulations concerning said association as they may see fit or deem necessary and proper: *Provided*, The same shall not be inconsistent with the laws of this State nor of the United States; and to have and use a common seal, and the same to alter at pleasure.

§ 2. There shall be a president, secretary, and treasurer of said association, and such other officers as the association may deem proper. The officers shall be chosen at such times, and for such terms, and in such manner, as the by-laws may prescribe.

§ 3. Said association shall exercise no power or privileges not herein granted.

§ 4. This act shall be in force from its passage.

Approved April 3, 1861.

## CHAPTER 286.

AN ACT for the benefit of school district No. 55, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of common school district No. fifty-five, (55,) in Henry county, shall have the further time of four months, from the passage of this act, to make their report for the year 1859, and receive the money due that district for said year: *Provided*, That it shall be satisfactorily shown to the school commissioner of said county that no money has been drawn by said district for the year aforesaid.

§ 2. This act shall take effect from its passage.

Approved April 3, 1861.

## CHAPTER 287.

AN ACT for the benefit of Wm. F. Quinn.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be hereby authorized to draw his warrant on the treasury, in favor

of W. F. Quinn, for the sum of nineteen dollars and sixty-two cents, in full of his compensation and expenses in conveying a pauper lunatic, Martha McAndrews, to the asylum at Hopkinsville.

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§ 2. This act to be in force from its passage.

Approved April 3, 1861.

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CHAPTER 289.

AN ACT for the benefit of W. R. Maupin, justice of the peace of Montgomery county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That W. R. Maupin, justice of the peace for Montgomery county, be, and he is hereby, allowed to hold his courts at Howard Mills, in said county.

Approved April 3, 1861.

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CHAPTER 291.

AN ACT for the benefit of John W. Clay, late sheriff of Montgomery county

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That, whereas, John W. Clay, late sheriff of Montgomery county, was, in his settlement with the county court commissioners, charged with taxes not collected by him, he is now allowed the further time of two years to levy, distrain, and collect such taxes as he was charged with and not collected: *Provided*, He execute bond, with security, to be approved by the county court of Montgomery, that he will so collect, distrain, or levy, under all the penalties imposed on a sheriff.

§ 2. This act to take effect from its passage.

Approved April 3, 1861.

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CHAPTER 292.

AN ACT to amend the act in relation to the seminary lands of Lewis county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, approved January 30th, 1851, granting to the county court of Lewis county the power and authority to sell and dispose of the seminary lands of Lewis county belonging to said institution, be, and the same is hereby,

1861. so amended as to give to the county court of Lewis county the power of suing and being sued.

§ 2. This act to take effect from its passage.

Approved April 3, 1861.

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## CHAPTER 294.

AN ACT for the benefit of Jonathan Riley.

WHEREAS, It appearing to the General Assembly that Jonathan Riley, on the 9th day of December, 1836, entered with the receiver at Waidsboro the northwest quarter of section twenty-one, in township four, and range one west; and that he paid the State price in full therefor; and that no patent ever issued thereon; and the original certificate of entry being lost or mislaid, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Register of the Land Office of Kentucky be, and he is hereby, authorized and directed to issue, in the name of the Commonwealth of Kentucky, a patent to said Jonathan Riley for said quarter section of land; and the second and fourth sections of article twelve, of the Revised Statutes of Kentucky, as to said quarter section of land, shall be inoperative; and the owner thereof shall have the same right to sell said quarter section of land as he would have if said sections had not been adopted.

§ 2. That this act take effect from its passage.

Approved April 3, 1861.

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## CHAPTER 295.

AN ACT for the benefit of the sheriff of Grayson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Grayson county be, and he is hereby, allowed the further time until the first day of October next, to collect and pay into the treasury the balance of the revenue due from said county for the year 1860.

§ 2. That before the sheriff aforesaid shall avail himself of the benefit of this act, his sureties shall enter their consent of record in the county court aforesaid.

§ 3. That this act shall take effect from and after its passage.

Approved April 3, 1861.



## CHAPTER 296.

1861.

AN ACT to amend the charter of the town of Glasgow.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the present police judge of the town of Glasgow, and the marshal of said town, shall hold their respective offices until the August election, 1862, in Barren county, at which time a police judge shall be elected by the qualified voters of said town for the same length of time as the county judge of said county, and so on every four years thereafter; and at the same time a marshal shall be elected by the qualified voters of said town, who shall hold his office for the same period as the office of sheriff is now held, and shall be so elected every two years thereafter.

§ 2. That from and after the passage of this act, the police judge of the town of Glasgow shall have the power and jurisdiction throughout the county of Barren in all civil cases where the debt, exclusive of interest, does not exceed fifty dollars, and the same jurisdiction in other cases heretofore conferred; and that the marshal of said town shall have the same power and jurisdiction that constables now have in the county of Barren, and may execute all process to him directed by the proper courts, as fully and as lawfully as may be done by any constable in said county.

§ 3. That inasmuch as the election of police judge and marshal in said town heretofore has not been in the manner and form prescribed by law; that all the acts of said officers heretofore, or that may hereafter be done, consistent with law and propriety, is hereby legalized, ratified, and confirmed.

§ 4. This act to take effect from its passage.

Approved April 3, 1861.

## CHAPTER 297.

AN ACT for the benefit of the Bank of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the president, directors, and company of the Bank of Louisville, may establish, of the present capital stock of said bank, a branch at such place in the county of Union as they may select, with a capital stock of two hundred thousand dollars.

§ 2. This shall take effect from and after its passage.

Approved April 3, 1861.

1861.

## CHAPTER 298.

AN ACT to authorize the re-indexing of certain deed books by the clerk of Graves county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the clerk of the Graves county court be, and he is hereby, authorized and required to re-index all the deed books in his said office, whose indexes may have become impaired, or that may be imperfect, and when done, a reasonable allowance therefor shall be made by the county court of said county.

§ 2. To take effect from its passage.

Approved April 3, 1861.

## CHAPTER 299.

AN ACT to amend the charter of the American Printing House for the Blind.

WHEREAS, The State of Mississippi has, by law, made an appropriation of two thousand dollars to aid in establishing in Kentucky a national institution to print and circulate books in raised letters for the blind; and whereas, said State has incorporated a board of trustees to receive said money, and twelve thousand dollars which have been subscribed for the aforesaid purpose by citizens of Mississippi, and to transfer said funds to said institution in Kentucky; and whereas, it is anticipated that other States will make donations and incorporate trustees to aid in this enterprise,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the American Printing House for the Blind shall be, and is hereby, so amended as to read as follows: That an institution under the name of the American Printing House for the Blind, shall be established in Louisville, Kentucky, or its vicinity, and that James Guthrie, William F. Bullock, Theodore S. Bell, Bryce M. Patten, William Kendrick, John G. Barret, and A. O. Brannin, and their successors, be, and they are hereby, declared a body corporate, under the name and style of the Trustees of the American Printing House for the Blind, with the right as such to use a common seal, to sue and be sued, to plead and be impleaded, in all courts of justice, and in all cases in which the interests of the institution are involved. The said trustees are hereby fully empowered to receive by legacies, conveyances, or otherwise, lands, money, and other property, and the same to retain, use, and apply to the publishing of books in raised letters for the blind; and they are authorized to purchase land and

1861.

erect, purchase, or rent buildings, for the use of said institution, and to make all such contracts as may be necessary to accomplish the purposes of their incorporation. They may appoint such officers and agents as may be necessary; may prescribe their duties, and fix the term of their offices, and the amount of their compensation: *Provided, however,* That no contract entered into by any officer or agent, involving the payment of money, shall be binding until ratified by the trustees. The said trustees are hereby invested with the same powers and privileges in regard to the copyright of books published by them as are enjoyed by natural persons. The trustees may adopt, from time to time, such by-laws, rules, and regulations as may be legal and proper.

§ 2. The trustees shall elect annually a president, a treasurer, and a secretary, who shall hold their offices until their successors shall be elected and duly qualified. Said trustees may prescribe the duties and fix the compensation of said officers.

§ 3. It shall be the duty of said trustees to hold an annual meeting, and other stated meetings, at such times as they may appoint, and such special meetings as may be called by the president.

§ 4. The trustees shall require from the treasurer, before he enters upon the duties of his office, his bond, with satisfactory security, that he will take care of and account for all money and other property of the institution that may be intrusted to him, and that he will faithfully perform all the duties of his office,

§ 5. The said trustees shall have power to invest any money in the hands of the treasurer, when to them it shall seem expedient, by way of loan, at any legal rate of interest, to be secured by mortgage on real estate unincumbered, and of double the value of the amount loaned; the interest in all cases to be payable semi-annually.

§ 6. It shall be the duty of the board of trustees, before commencing the publication of any book, to request the superintendent of every Institution for the Education of the Blind in North America, to make out and send to the trustees of the Printing House, a list of such books as he may deem most desirable for the use of the blind; and said trustees shall select for publication the book that shall have received the greatest number of superintendents' votes in its favor. This mode of selecting books for publication shall be repeated at least once every year.

§ 7. Every school for the blind, located in a State whose Legislature or citizens contribute to the funds of the American Printing House, shall, in proportion to the funds contributed, be entitled to copies of every book published by said House, to be distributed gratuitously to such blind

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persons as are unable to purchase them. And the superintendents of said schools shall be required to report to the trustees of said House, the names and residences of all persons to whom books may be thus distributed. The prices of books published by this institution shall be made so low as merely to cover the cost of publication, and other incidental expenses of the Institution.

§ 8. It shall be the duty of the board of trustees to make an annual report of their proceedings, which shall embrace a full account of the receipts and disbursements, the funds on hand, the number of books sold, and the number distributed gratuitously; and a general statement of the condition of the institution; and they shall transmit copies of said reports to the General Assembly of Kentucky, to the Governors of the States in North America, to the President of each State Board of Trustees, to the Superintendent of every American Institution for the Education of the Blind, and to every person who shall have made to the institution a donation of five dollars the previous year.

§ 9. The superintendents of State institutions devoted exclusively to the education of the blind, and the Governors of the States that aid in sustaining the American Printing House for the Blind, and the presidents of the State auxiliary boards of trustees shall, *ex-officio*, constitute a board of visitors, each member of which shall be at all times authorized to visit the Printing House, examine the books, and investigate the proceedings of the trustees; and the president of any State board may, at the written request of a majority of the visitors, call a meeting of the board of visitors, who shall be fully empowered to investigate the proceedings of the trustees of the institution; and in case they shall find that said board, or any member thereof, has mismanaged the affairs of said institution by malfeasance in office, or neglect of duty, they may, a majority of three fourths of all the members present concurring, declare the offices or office of said trustees or trustee vacant, and proceed to fill the vacancy by election from the citizens of Louisville or its vicinity.

Representatives from a majority of the States that contribute to the support of the American Printing House for the Blind shall constitute a quorum of the board of visitors, and each State represented shall be allowed one vote in the action of the board. Notice of every meeting of the board of visitors shall be sent by mail to all the members of the board, and to the trustees of the American Printing House for the Blind, at least one month before the time appointed for the meeting.

§ 10. The trustees of said Printing House shall continue in office until their offices shall become vacant by resignation, death, or removal from office, as herein before provided

for. All vacancies caused by resignation or removal shall be filled by the remaining members of the board.

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§ 11. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 3, 1861.

### CHAPTER 300.

AN ACT changing a voting district in Fleming county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary of voting district No. 9, in Fleming county, be so changed as to include the houses and farms of George W. Bishop, Charles Burkimber, G. B. Bontly, Samuel Mitchell, A. M. Jackson, Gregory Hall, Robert Robston, Jacob James Parsons, and Benjamin Skinner.

§ 2. This act to take effect from and after the 15th day of May, 1861.

Approved April 3, 1861.

### CHAPTER 303.

AN ACT for the benefit of Fannie Cerf and Bertha Harris.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Fannie Cerf and Bertha Harris be relieved of all disabilities of coverture in regard to any property they may hereafter acquire and contracts they may hereafter make, not affecting any property they may now hold; all property they may hereafter acquire shall be free from liability for any debt or disposition of their husbands.

Approved April 4, 1861.

### CHAPTER 304.

AN ACT for the benefit of school district No. 67, in Hardin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Superintendent of Public Instruction be, and is hereby, directed to draw his warrant upon the Auditor for the amount due school district No. 67, in Hardin county, for a school legally taught in said district, but not reported in time by the trustees of said school; said warrant to be drawn in favor of the school commissioner for Hardin county, for the benefit of said school district No. 67.

Approved April 4, 1861.

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## CHAPTER 305.

AN ACT for the benefit of the sheriffs of Greenup, Carter, and Lawrence counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the late sheriffs of Greenup, Carter, and Lawrence counties be, and they are hereby, authorized to list for collection, with the sheriff or any constable of Boyd county, the taxes due them from the citizens of Boyd county; the officer or officers with whom such taxes may be listed, shall have the same power to distrain therefor, and under like responsibilities, as now prescribed by law in collection of other taxes.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 306.

AN ACT to amend and reduce into one the several acts relating to the town of Stanford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Limits of town.

§ 1. That the limits of the town of Stanford shall be a parallelogram formed by four straight lines, to be parallel with the four walls of the court-house, and each one third of a mile therefrom.

Fiscal and prudential concerns vested in trustees.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in seven trustees, four of whom shall form a quorum to transact business, and all of whom shall have resided in said town one year next preceding their election, and be housekeepers therein.

Body corporate and corporate powers.

§ 3. The said trustees shall be a body politic and corporate, having perpetual succession, and known by the name and style of the board of trustees of the town of Stanford; and by that name shall be capable in law of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters and things, which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.

When trustees elected, &c.

§ 4. The trustees shall be elected annually on the first Saturday in April, by the free white male inhabitants of said town, over the age of twenty-one years, who shall have been *bona fide* residents in said town for one year next preceding the election, and who shall have paid their poll-tax for the preceding year, and all arrearages and

taxes by them due said town, which payment, upon being questioned, must be satisfactorily shown. The trustees shall hold their office one year, and until their successors shall have been elected and qualified. They shall take an oath before some person authorized to administer oaths by the laws of this State, that they will faithfully discharge the duties that may devolve upon them as trustees during their continuance in office. They shall have power to fill any vacancy in their board by an entry upon their journal of the appointment of a suitable person to fill such vacancy, who shall serve until the next annual election. The trustees shall appoint one of their number to preside at their meetings, who shall be styled President of the Board, and in his absence his place may be temporarily filled by any one of the trustees. The election for trustees shall be conducted by one or more of the acting trustees, or other citizens appointed by the board for that purpose, and shall be held at the court-house in Stanford, unless otherwise designated by the board. The clerk of the board shall record the votes, and preserve the poll-books of the same in the records of his office. A majority of the board may always determine the question of a vacancy in the board and proceed to fill the same, whether such vacancy arise from death, removal, or refusal to act, and discharge the duties of a trustee. But the cause of the vacancy must be stated on their journal when they proceed to fill the same.

§ 5. The trustees shall meet at such times and places as they may appoint. The president of the board may call a meeting at any time for the transaction of special business; and the attendance of absent members may be enforced by such fines as by a by-law for that purpose may be made by the board.

§ 6. That the said board of trustees and their successors shall have power and authority to take, receive, and hold real, mixed, and personal estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of said town, and may use, appropriate, lease, or sell the same in such manner, and upon such terms, as they may deem expedient: *Provided, however,* That no sale or lease shall be made of any real estate which the town now owns or may hereafter acquire, unless the same is sanctioned at the same meeting by the votes of six trustees; which vote shall appear upon the journal of their proceedings, recorded in full, giving the names of the trustees who voted for the sale or lease.

§ 7. That the legal title to all the streets and alleys in said town, and to all the real, personal, and mixed estate, which now does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees and their successors in office; and they shall have full

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Term of office.

To take oath.

May fill vacancies.

President to be appointed.

Who conduct election.

Clerk to record votes.

Who determine question of vacancies.

Meetings of trustees.

May take and hold real estate, &c.

Title of streets, &c., vested in trustees.

1861. power and authority to maintain and carry into judgment and execution any action for the recovery of the same, and damage for its detention, and for injuries thereto, which individual citizens have by the laws of this Commonwealth.

May clear  
streets, alleys,  
&c.

May abate  
nuisances, &c.

May cause  
chimneys, &c.,  
to be changed.

8. The board of trustees shall have power and authority to clear the streets, alleys, and sidewalks of said town of all obstructions; to make cisterns, wells, and pumps, or construct other water-works, and keep the same in repair; they shall have full power to remove, or cause to be removed and abated, any nuisance or nuisances in said town; and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or tend to diminish the comfort of the citizens, or the security of their property; they shall also have the power and authority to cause any chimneys, flues, stove-pipes, or fire-places, that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity; and in all cases enumerated in this section, when the persons who should do so, fail or refuse to do or perform the directions given in relation thereto by the board of trustees, the board may have their orders executed by others and reimburse themselves the costs and charges thereof, by action in the police court, justices' court, quarterly court, or circuit court of Lincoln county, according to the amount thereof.

May cause  
streets or alleys  
to be paved.

§ 9. That the board of trustees of the town of Stanford may, from time to time, direct and require the owners of lots or parts of lots in said town, when the same fronts on a street or alley, to cause the same to be paved with sidewalks in front of their respective lots or portion of lots, of such width and of such materials, and in such manner, and on such grade, as the said board may deem expedient; and if any owner of such lots, or parts of lots as are directed to do so, fail therein within the time and in the manner directed by the said board, it shall be lawful for them to have the same done, and the costs and charges incurred and expended by them shall be a tax on said lots or parts of lots, and the owners thereof respectively; but notice must be given at least six months before the board proceeds to make said pavements or sidewalks to the owners of such lots or parts of lots, of the requirements of the board in regard to their construction; which notice may be verbal or in writing, and proved as any other fact, if controverted, in any proceeding in court. The board of trustees may establish fire companies in said town, and procure the necessary engines and implements to be used in case of fire, and make such regulations as they may deem necessary in relation to such companies.

May establish  
fire companies.

§ 10. The board of trustees of the town of Stanford



shall have the power to appoint annually a clerk, assessor, and treasurer, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, and regulations made for the general welfare of the town and citizens thereof, and prescribe their respective duties, and fix and pay the respective salaries of said officers. They shall require covenant of all officers appointed by them to fill responsible offices, with sufficient securities for the faithful discharge of the duties of their respective offices, and the prompt payment of all sums of money that comes to their hands; and they and their securities shall be liable to a judgment in any court having jurisdiction in like cases, in favor of the board of trustees of the town of Stanford, or any person entitled to money collected by them, in like manner and subject to the same penalties that sheriffs and their sureties are. They shall have full power at any time, five members concurring, to remove any of said officers and appoint others in their stead, and shall fill any vacancy that may occur in any of said offices. The covenants entered into by said officers shall be to, and with, the board of trustees of the town of Stanford, and may contain any stipulations which the trustees may require; and for a breach of any covenant the board may sue and recover, and have execution to the full amount of any damage adjudged to them by reason of such breach of covenant, in any court having jurisdiction of actions for like causes.

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Officers may be appointed.

May require covenant.

May remove officers.

Covenant giv'n in the name of trustees.

§ 11. That the assessor appointed by the said board of trustees shall take an oath faithfully to discharge his duties as such under this act, and his duty shall be to call upon every person who is the owner of any real or personal property within the town, and all white males over the age of twenty-one years, and make out a list of their taxable property, with the value thereof, which shall include all that is included by the county assessor for the State revenue, except lands and slaves, and stock used exclusively for farming purposes, or such as are not within the town limits. The list shall show the town lots and the value thereof; the white males over twenty-one years of age; the total slaves, the value of slaves; horses and mares, the value of horses and mares; mules, the value of mules; cattle and their value over fifty dollars; stores and value of stores; value under the equalization law, belonging to each inhabitant of the town on the 10th day of April in each year; the value under the equalization law to be ascertained by the assessor from each taxable person, who, upon oath, shall be required to fix a sum which will cover the amount he was worth on the 10th day of April in each year from all other sources, exclusive of his estate listed for taxation as above, and the real estate and slaves aforesaid, which may

Assessor's powers and duties.

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be without the limits of the town, to tax. In making the estimate, the person may deduct the debts that he in good faith owes as principal at the time. The assessor shall in all other respects conform to the laws of the State governing assessors of tax, and have the same powers in said town which the assessor for Lincoln county has in said county, and perform the same duties; and any person reported as a delinquent to the board of trustees, may be subjected to the same penalties, by the board of trustees, to which such delinquent is made subject in regard to the State revenue. In inflicting the said penalties, the board are to be governed by the same law which governs county courts in similar cases.

May levy and collect taxes.

May tax exhibitions.

Auctioneers, drays, &c.

May have lien on real estate.

May prohibit sale of liquors.

Police judge and marshal to be elected.

Powers and duties of police judge.

§ 12. The board of trustees of the town of Stanford shall have power and authority to assess, levy, and collect annually a tax upon all the real and personal estate in the next preceding section directed to be assessed by the town assessor, not to exceed twenty-five cents on each one hundred dollars' worth of property; they shall have full power to levy and collect a poll-tax, of not exceeding one dollar, on all free male persons in said town over twenty-one years of age who do not pay a tax equal to one dollar on other species of property; they may tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding twenty dollars for any one day; they shall have power to tax all auctioneers, in a sum not exceeding five per cent., for all goods, wares, and merchandise, and articles sold to bidders within said town, except property sold by citizens of the town, of their own manufacture, or by order of court, or by executors, administrators, or guardians; and shall have a lien on the articles sold or to be sold for such tax until paid; they shall have power to license auctioneers, drays, wagons, carts, hacks, and coaches plying in said town for hire; they shall have a lien on all real and personal estate in said town until all taxes due by the owners thereof are paid; and all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale. Personal property to be levied on and sold by the marshal or collector of tax in the same manner as is prescribed by law in the sale of similar property under execution. They shall have full power to prohibit the sale of spirituous or other intoxicating liquors by tavern-keepers on Sunday, and enforce the closing of their bars under suitable penalties.

§ 13. A police judge and town marshal shall be elected by the qualified voters of the town, from the citizens thereof, at the same time, and in the same manner, and for the same term, that the judge and sheriff of Lincoln county is elected respectively. The police judge of the town of Stanford shall have jurisdiction within the limits of said

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town of all misdemeanors and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction; and in criminal or penal cases he shall have the jurisdiction given by law to two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in similar cases. He shall have full power and authority to require bail in all cases in which bail is, or may hereafter be, authorized or required by the laws of the State, and receive acknowledgment and execution of recognizances on bail in all cases before him; and such recognizances shall be taken in such form, and be returned in such manner as is, or may be, prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults or batteries, riots, routs, breaches of the peace, or unlawful assemblies; over all cases of indecent or immoral behavior or conduct calculated to disturb the peace and dignity of said town; over all Sabbath-breaking, running horses, firing guns or pistols, making reports by burning powder or matches or crackers, blowing horns, flying kites, crying aloud by day or night, or other riotous or disorderly conduct whatever within said town; all of which are hereby declared to be misdemeanors. He shall have the same jurisdiction and authority which justices of the peace, in similar cases, have. He shall have jurisdiction of all offenses, arising out of the by-laws and ordinances passed by the board of trustees, for the enforcement of the powers granted them by law. He shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance. He shall have power to impose fines in all cases of misdemeanors to the amount of twenty dollars, without the intervention of a jury, and shall have the right to imprison the person so fined in the county jail, until the same is paid, by imprisonment, at the rate of two dollars per day. He shall have power, without the intervention of a jury, to fine and imprison for contempts, provided the fine does not exceed ten dollars, nor the imprisonment twelve hours. It shall be lawful for him to take depositions, and certify the same when they are to be read in any cause pending in any court of this Commonwealth. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as the records of justices of the peace. All trials before the police judge shall be held and had in the town of Stanford. Appeals may be taken from the judgments of the police judge in all cases where appeals lie from judgments of justices of the peace; to be taken to the same courts and in the same manner.

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Shall issue  
process in name  
of Com'wealth.

§ 14. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Stanford. The same shall be directed to the marshal or any constable, or to the sheriff of Lincoln county, and be executed and returned under the same penalties as other process from justices of the peace: *Provided, however,* That when any prosecution is instituted and carried on at the instance of the board of trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case of acquittal, the trustees shall be liable for such costs as may be adjudged in favor of the defendant. The police judge shall be entitled to one dollar for a peace warrant or for a warrant for a riot, rout, or unlawful assembly or breach of the peace, or any other misdemeanor. He shall have the same fees for other services as are allowed by law to justices of the peace for like services.

Fees of police  
judge.

Powers and du-  
ties of town  
marshal.

§ 15. That the town marshal of Stanford, before he enters on the duties of his office, shall take an oath faithfully to discharge the same, and shall execute covenant with approved security, faithfully to discharge the duties of his office, with such other stipulations as the board may require; he shall have full power, within the county of Lincoln, in criminal and penal prosecutions, to serve all processes and precepts to him directed by the police judge of Stanford, or any justice of the peace; in all civil cases he shall be confined to the town of Stanford; serve and execute orders, and notices made or issued by the board, and make due return of the same; he shall have the power to collect the taxes, dues, and demands of said town, in the manner prescribed in this act, and shall levy and perfect executions upon all orders and judgments of the police judge or justice of the peace. He shall be entitled to the same fees for collecting the tax of said town, penalties, and forfeitures, as sheriffs and constables are in like cases, where it is not otherwise provided for in this act, or by order of the board: *Provided,* That said board of trustees may, in their discretion, appoint a town collector, and require him to execute covenant, with approved security, with such stipulations as they may require; and it shall be the duty of said collector, when appointed, to collect the taxes of said town, and he may coerce payment of the same in such manner as required of the marshal, and do all other acts that the marshal is authorized to do in the collection of the town revenue, and shall be entitled to the same compensation. The marshal shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a riot, rout, affray, or breach of the peace, and for all

Fees of mar-  
shal.

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warrants where fines are assessed by a jury, before the police judge, or any justice of the peace; and to a fee of twenty-five cents for all other warrants for penalties, forfeitures, and debts to be tried by the police judge or justice of the peace without a jury; and to a fee of fifteen cents for summoning a witness, and to the same fees from the State, to be paid out of the treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as constables are for like services. He is allowed to take replevin bonds on all executions in which a replevy is allowed by law, and may make the same payable in three months to the plaintiff in the execution; he shall be subject to the same proceedings and liable to the same penalties as sheriffs and constables are in like cases for the non-performance of any of the duties enjoined in this act; and should a vacancy occur in the office of marshal, the same may be filled until the next regular election by appointment by the board of trustees; should the marshal fail to carry into execution any order made by the board of trustees, for such failure the trustees may fine him not exceeding ten dollars, which they may retain out of his salary.

May take replevin bonds.

§ 16. The clerk appointed by the said trustees shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute covenant, with such stipulations and with such security as shall be required by the board. It shall be his duty to preserve the books, papers, records, and everything belonging to his office, and deliver the same to his successor in office; he shall keep a journal of the regular proceedings of the board, with a regular account of the fiscal concerns thereof; he shall file and preserve the poll-books annually, and shall record all the acts, resolutions, and orders of the board; he shall take all covenants, agreements, and records, and preserve all contracts and agreements made between the board of trustees and other persons; he shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board; he shall file and preserve annually the assessors' books; he shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the treasurer, on or before the 1st day of June in each year; and he shall file and preserve the report of the treasurer; and he shall make out and place in the hands of the marshal or collector, on or before the 1st day of June annually, a list of the persons and property by whom and on which the taxes and dues to the town remain unpaid, and the amount of the same respectively; he shall have full power to admin-

Clerk to take oath—his powers and duties.

1861. ister oaths in all cases where oaths are necessary. His compensation shall be fixed and allowed by the board.

Treasurer—his powers and duties.

§ 17. That the board of trustees shall appoint a suitable person, not of their own body, treasurer, who shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute covenant with good security, to be approved by the board, with stipulations to pay over all moneys which may come to his hands, as treasurer, to the trustees or their order, and to perform all the duties imposed on him by law as treasurer, and such other stipulations as the board may think proper to require. The treasurer shall receive and receipt for all moneys paid or received. He shall receive and receipt for all moneys paid to the board of trustees. He shall keep a fair record of all the fiscal concerns of the board, and record in order the appropriations of said board as certified to him by the clerk, and pay the same according to their order. He shall pay no moneys without receiving a copy of the resolution of the board of trustees making such appropriation. He shall file all orders received by him for settlement by resolution of the board. His books shall at all times be opened to the inspection of persons having claims upon the board, on reasonable notice. He shall, on or before the 10th day of July of each year, report to the board of trustees a true list of all the moneys received by him, with a list of all moneys and dues that remain unpaid at that time. And he shall be allowed such compensation for his services as the board may direct, not exceeding three per cent. on all moneys received, and paid out by order of the board. He shall, also, when required by an order of the board to that effect, attend and report the condition of the treasury. He shall at all times be ready for a settlement.

Trustees may make by-laws and ordinances

§ 18. That the said trustees shall possess and exercise all the powers and privileges which, by the general laws of the land, in relation to towns, are granted to trustees, and shall have full power and authority to make all necessary by-laws and regulations for the purpose of carrying into effect the powers, &c., granted in this act; as also such as may be necessary for the comfort, cleanliness, good order, and security of said town and the citizens thereof; and may enforce the same by adequate penalties, to be recovered in their name before the police judge or any justice of the peace: *Provided*, The same are not contrary to the constitution and the laws of the land. And upon the issuing of a warrant by the police judge or a justice of the peace against any person or persons charged by said board of trustees, or their legally authorized officer, with a violation of the by-laws of said town, it shall be the duty of the police judge or justice of the peace, if so required by the trustees, or officer making the charge, to indorse on said

May enforce the same, &c.

warrant that the officer serving the same shall demand of the person so charged to enter into bond, with good security, in a sum not exceeding twice the amount of the penalty attached to the offense charged in the warrant, to be fixed by the court issuing the same, conditioned for his, their, or her appearance before the judge, or justice, as the case may be, to whom said warrant may be returnable, at the time and place fixed upon in said return, and for his, her, or their abiding by, performing, and complying with the order or judgment of the court therein; and upon failure so to do, the said bond shall be declared forfeited, and the amount thereof to be collected by execution or *capias pro fine*, to be issued by the court thereon; and if any person or persons so charged in any warrant as aforesaid, requiring bail, shall fail to execute bond as aforesaid, it shall be the duty of the officer serving the same to retain such person or persons in custody until discharged by the court as aforesaid; and upon the rendition of any judgment for a violation of the by-laws of said town, the court rendering the same shall issue instantly, if required by the trustees or their officer, an execution against the estate of the person so found guilty for the amount of the fine adjudged and costs, or a *capias pro fine* for the same against the body or bodies of the said person or persons; and the officer serving the same shall cause like proceedings to be had thereon as if the same had been issued by order of the circuit court.

§ 19. That the present trustees and officers of the town shall continue in office until the trustees and officers are elected and qualified under this act, and are hereby invested with all the powers and privileges which the trustees and officers elected under the present act are entitled to. No suit shall be instituted against the said trustees unless the same is instituted in the county of Lincoln; and service on the president of the board shall be sufficient.

Present trustees to remain in office until others elected.

§ 20. That all fines and forfeitures issued within the limits of the town of Stanford, whether assessed before the police judge or justices of the peace, shall be appropriated to the use of said town; and when collected, to be paid over to the treasurer of the board.

Fines to be paid to treasurer.

§ 21. Each and every act, or section of an act, coming within the purview of this act, is hereby repealed.

§ 22. This act shall be in force from the passage thereof.

Approved April 4, 1861.

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## CHAPTER 307.

AN ACT to amend the charter of the town of Mt. Eden, in Spencer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary of town.

§ 1. That the town of Mt. Eden, as described, bounded, and demarked in the plat thereof, executed in the year eighteen hundred and forty-five, by G. W. Barber, and recorded in the clerk's office of the Spencer county court, shall be, and is hereby, declared to be the town of Mt. Eden, situated on the dividing line of the counties of Spencer and Shelby; and the said plat is hereby declared to be the true plat and plan thereof, except that streets Nos. 2 and 3, and an alley twelve feet wide, next the lands of Thos. Crutcher and Dr. Coon, are hereby closed; and that the original or attested copies of the said plat may be used in evidence in the same manner that attested copies of other papers duly recorded in said office are authorized to be used.

Management of town vested in trustees.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in five trustees, to be chosen annually on the first Monday in April, by the qualified voters, citizens of said town, and those owning real estate within the limits thereof. Three of the trustees shall constitute a quorum to transact business, and all of whom shall be citizens of said town, or those owning real estate within the limits thereof

Body politic and corporate.

§ 3. That said trustees and their successors shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Mt. Eden;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, or things which a body corporate and politic, having perpetual succession, can lawfully and rightfully do and perform.

Trustees—their powers and duties.

§ 4. The said trustees shall hold their office one year and until their successors shall be elected and qualified; they shall, before entering on their office, take an oath before some justice of the peace or police judge, that they will faithfully, and without favor, affection, to any one, discharge the duties that may devolve upon them as trustees, during their continuance in office, and shall have power to fill any vacancy that may occur in their own body. It shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings; and, in case of the absence of the chairman, they shall appoint a chairman



pro tem.; and, in case of his death, removal from the town, or vacation of his seat as trustee, may appoint another in his stead. The election for trustees shall be conducted by one or more of the acting trustees, or by some person appointed by the board for that purpose, and shall be held at such place as may be designated by the board; and the return of the names of the persons elected shall be to the clerk of the board, and shall be by him recorded in their book. At least three days [notice] of the time and place of holding the election for trustees shall be given, by advertisements, posted up at three or more of the most public places in said town of Mount Eden.

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§ 5. That the trustees may, from time to time, fix and regulate, by their by-laws, the times and places of the regular meetings of the board, and also prescribe the mode in which special meetings may be held.

To fix by-laws.  
&c.

§ 6. That the legal title to all the streets, alleys, and sidewalks in said town, and to all the real, personal, and mixed estate which now does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees and their successors in office, so far as may be necessary to improve and keep the same open and in good repair; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury or obstruction thereto; and may, in like manner, maintain and carry into judgment any other appropriate action or actions for the recovery of their property, or damages for the detention, taking, closing, injury, or destruction of the same; and that the same processes may issue and execution be awarded as are applicable by law to suits by private individuals; and in all such cases where the damages are laid at a sum not exceeding fifty dollars, the police judge or any justice of the peace shall have concurrent jurisdiction, subject to appeal as in other cases.

Title to streets  
and alleys vested  
in trustees.

§ 7. That the board of trustees shall have power to clear the streets, alleys, sidewalks, and passways of said town of all obstructions; they shall have the power and authority to preserve free from incumbrance all the public grounds and improvements in said town; they shall have full power and authority to remove, or cause to be removed and abated, any nuisance or nuisances, combustible or unwholesome material, that may injure the health, diminish the comfort, or obstruct the conveniences of the citizens of said town, or the security of their property.

May clear  
streets, alleys,  
&c.

§ 8. That there be hereby created the office of police judge of said town, who shall be elected annually, by a majority of those qualified to vote for trustees of said town, on the second Saturday in next April, and annually on the same day thereafter; the person so elected shall be

Police judge to  
be elected.

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then nominated by the board of trustees of said town to the Governor of the State; and the person so nominated shall be commissioned by the Governor for one year, and until his successor shall be duly elected and qualified; the person receiving a commission, as aforesaid, immediately, or as soon as practicable thereafter, appear before the judge of the Spencer county court, and be by him duly sworn (in addition to the oath taken by justices of the peace) to faithfully, and without favor, affection, discharge the duties imposed by law as police judge of said town; and he is hereby authorized to enter immediately on the duties of his office, after taking said oath. A person to be competent to hold the office of police judge of said town must be a citizen of the State of Kentucky, and must have been a citizen of said town for six months next preceding his election.

Powers and duties of police judge.

§ 9. The police judge of said town of Mt. Eden shall have jurisdiction, within the limits of said town, of all misdemeanors, and all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction, and shall proceed in the same manner that justices of the peace are required to proceed in such cases. He shall have full power and authority to require bail, and receive the acknowledgments and execution of bail in all cases originating before him, in which bail is or may hereafter be authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is or may be prescribed by the laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior or conduct, calculated to disturb the peace and dignity of said town, over all cases of drunkenness or profane swearing, running horses, or firing guns or pistols, making reports by burning powder, by blowing horns, crying aloud by day or night, and all other riotous conduct whatever within said town. He shall have jurisdiction of all offenses or causes arising out of the by-laws or ordinances passed by the board of trustees, for the enforcement of the powers granted them by law. He shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be required before the circuit court, or a justice of the peace; and in all cases, when the amount of the fine is not, or may not be fixed by law, the same may be ascertained by the verdict of a jury. He shall have power to issue summonses for witnesses in cases pending before him; and upon their failure to attend, may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempt. He shall have power

to administer oaths in all cases where an oath is required by law: *Provided*, The fine does not exceed five dollars, nor the imprisonment ten hours. It shall be lawful for him to take depositions, and certify the same, when they are to be read as evidence in any cause pending in any court in the Commonwealth. He shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace. All trials before the police judge shall be held and had in the town of Mount Eden. The police judge shall hold a court on the second Saturday in each month, for the trial of causes that may come before him, and at such other times as the interest of the parties to a trial may, in his judgment, require.

§ 10. That the police judge shall issue his process in the name of this Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Mount Eden; the same shall be directed to the marshal, or to any constable of Spencer county, and shall be executed and returned by the marshal or constable, as the case may be, under the same penalties as other processes from justices of the peace: *Provided, however*, That when any prosecution is instituted and carried on at the instance of the board of trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said trustees shall be liable for such costs as may be adjudged in favor of the defendant or defendants; the police judge shall be entitled to a fee of one dollar for a peace warrant, a warrant for a riot, rout, breach of the peace, unlawful assembly, affray, misdemeanor, or for a breach of any law, by-law, or ordinance of the board of trustees; and in all other cases he shall be entitled to the same fees as justices of the peace are entitled to.

§ 11. That the board of trustees of the town of Mount Eden shall have the power to appoint, annually, a clerk, assessor, treasurer, and marshal, and such other officers of said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective salaries of said officers. They may require bond, with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, conditioned for the faithful performance of the duties, and the prompt payment of all sums of money that shall come to their hands; and they and their securities shall be liable to a judgment in the Spencer circuit court in favor of the board of trustees of the town of Mount Eden, or any person entitled to money collected by

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To issue process in name of Commonwealth.

Officers to be appointed.

1861. them, in like manner, and subject to the same penalties that sheriffs and their securities are; they shall have full power and authority, at any time, to remove any of said officers, and appoint others in their stead; and when any vacancy occurs, by the death, removal, or resignation of the chairman of the board of trustees, or of any of the officers, they shall, in like manner, have full power and authority to appoint others in their stead.

Duties of as-  
sessor.

§ 12. The assessor appointed, as provided for in the preceding section, shall be a citizen of said town; and shall, before he enters on the duties of his office, take an oath duly and impartially to discharge the duties thereof; it shall be his duty to call upon all the taxable persons in said town, and make out a true list of the taxable property belonging to each, with a fair valuation thereof, both of personal and real estate, to be given in under the oath of the party, to be administered by the assessor; the assessor's list shall also include all free white males over the age of twenty-one years old, and all slaves, with their value. Should any person holding property or real estate in said town refuse to give in the same, or be absent, then the assessor shall make out the list of such person's taxable property on the best of his judgment or information. On the completion of the assessor's list, he shall deposit the same with the town clerk.

Duties of clerk  
in relation to  
assessors' books.

§ 13. The clerk of said town, immediately after he receives the assessor's list, shall record the same in the record book of the trustees; and the said list, or attested copies thereof, shall be received in evidence in any court of justice, and shall be *prima facie* [evidence] that the assessor has complied with all the duties prescribed for him by law.

Trustees may  
levy and collect  
tax.

§ 14. That the board of trustees may annually lay or levy a tax for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the assessor returns his list; or in case of failure to do so at that time, it may be done at any subsequent meeting thereof.

Duties of treas-  
urer.

§ 15. The treasurer appointed by the board of trustees shall take an oath faithfully and honestly to discharge the duties of his office; and shall execute bond with good security in the penalty of five hundred dollars, or more, as the trustees may require, conditioned to pay over all moneys that may come into his hand as treasurer to the trustees or their order, and to perform the duties imposed on him by law as treasurer. He shall keep a true list of all moneys coming into his hand as treasurer, as well as all moneys paid out by him; and shall report the condition of the town finances whenever called on so to do by the board of trustees; and he shall make a settlement with the board

of trustees annually, on or before the tenth day of March, 1861.  
and oftener if required by the board.

§ 16. The clerk appointed by the board shall take an oath faithfully and impartially to discharge the duties of his office, and to execute bond with such conditions as may be required by the board; it shall be his duty to preserve the books, papers, records, and everything belonging to his office; he shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof; he shall file and preserve the poll-books of all elections held by order of the board, record all acts, resolutions, and orders of the board; he shall take all bonds, agreements, and records, and preserve all contracts and agreements between the board and other persons; he shall copy and sign all resolutions, orders, claims, and allowances when required so to do, by persons having claims against the board; he shall annually file the assessor's list, and make out a list thereof in alphabetical order, with the amount owing by each, and deliver the same to the treasurer, when required so to do by the board; he shall also file the marshal's delinquent list of taxes owing to the town.

Duties of clerk.

§ 17. That the marshal appointed by said trustees shall be appointed annually, and shall take an oath to faithfully discharge his duties, and shall give bond, with good and approved security, in a sum of not less than five hundred dollars, conditioned faithfully to discharge the duties of his office; and which bond may also contain any other conditions that the board may think proper to require; he shall have all the power and authority, within the counties of Spencer and Shelby, to collect the taxes, dues, and demands of said town, in the same manner that sheriffs have to collect the county and State revenues; he shall have full power and authority within the limits of said town, or in Spencer county, to serve notices, and to execute all warrants and processes from the police judge, and levy and perfect executions upon all orders and judgments of the police judge; he shall serve and execute all orders and notices made or issued by the board of trustees, and make due return on the same; he shall be entitled to the same fees and per cent. for collecting the town tax, penalties, and forfeitures, as sheriffs and constables are allowed for like services, where it is not otherwise provided for by this act or order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for riot, rout, affray, breach of the peace, and for all warrants where fines are to be assessed by a jury or the police judge, and to a fee of twenty-five cents for all other warrants for penalties, forfeitures, and debt tried by the police judge without a jury; he shall be entitled to a fee of fifteen cents

Powers and duties of marshal.

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for summoning a witness, and to the same fees from the State, to be paid out of the treasury and county levy; for serving felony warrants and warrants against slaves for misdemeanors, as constables are for like services. The marshal is authorized to take replevin bonds on all executions in which replevin is allowed by law, and make the same payable in three months to the plaintiff in the execution. The marshal and his securities are liable for all his official acts, and may be proceeded against by the party or parties aggrieved for any defalcation or malfeasance, in the same way that constables and their securities are in like cases, whether by motion or suit.

May levy and  
collect tax.

§ 18. That said board of trustees of the town of Mount Eden shall have power and authority to assess, annually, levy, and collect a tax on all real and personal estate within the limits of said town, not to exceed fifty cents on one hundred dollars worth of property. They shall have power to levy and collect a poll-tax, not exceeding fifty cents, on all free male persons in said town over the age of twenty-one years. They may tax all theatrical shows or performances, all shows and exhibitions of all kinds, in any sum not exceeding thirty dollars for each day's performance of the same; and all fines, taxes, and assessments collected under this act, are to be expended by said trustees for the benefit and improvement of said town.

Trustees to su-  
perintend elec-  
tion.

§ 19. That all elections of officers of said town, arising under this act, shall be held under the supervision of the trustees, clerk, and marshal of the town; the trustees, or any two of them, acting as judges, the marshal as sheriff, and the clerk as clerk of said election.

Further powers  
and duties of  
trustees.

§ 20. That said trustees shall exercise and possess all the powers and privileges which, by the general law of the land, in relation to towns, are granted to trustees; and shall have full power and authority to make all the necessary by-laws and regulations, for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order, and security of said town and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the police judge of said town: *Provided*, The same are not contrary to the constitution or laws of the land. The present trustees and officers of said town shall continue in office until the trustees and officers are duly elected and qualified under this act, and are hereby invested with all the powers, rights, and privileges, which the trustees and officers, under this act, will possess. No suit shall be instituted against the said trustees unless the same is instituted in Spencer county; and service of the process on the chairman of the board shall be sufficient. Each and every act coming within the purview of this act,

except such as have been passed for the benefit of individuals, is hereby repealed.

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§ 21. This act shall be in force from the passage thereof.

Approved April 4, 1861.

### CHAPTER 308.

AN ACT to amend the charter of the Paducah Fire, Marine, and Life-Insurance Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following be stricken out of the first section: "That Thos. F. Terrill, Alfred Boyd, David Watts, Milton King, W. F. Norton, and John Q. A. King, and Geo. H. Morrow, and their associates and successors and assigns," and insert "Dixon A. Given, James L. Dallam, J. S. Byers, and John M. Johnson, and such others as they may think proper to associate with them."

§ 2. That in section second, second line, strike out "one hundred thousand," and insert "twenty-five thousand."

§ 3. That in section third, twenty-fourth line, strike out the word "six," and insert "three."

§ 4. That in section ten, first line, strike out "three," and insert the word "two."

§ 5. This act shall take effect from and after its passage.

Approved April 4, 1861.

### CHAPTER 311.

AN ACT to incorporate Germania Lodge, No. 63, of Ancient German Order of Harugari.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Frank Henry, Conrad Kamm, and John Sauer, and their associates, be, and are hereby, created a body corporate, by the name and style of "Germania Lodge, No. 63, A. D. O. H.;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, use, and have a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided,*

1861. They be not in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act, is hereby reserved to the General Assembly.

Approved April 4, 1861

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### CHAPTER 312.

AN ACT to incorporate Tuisko Lodge of Ancient German Order of Harugari, No. 68.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Fred. Zaun, Fred. Schofflin, and Henry Wolf, and their associates, be, and are hereby, created a body corporate, by the name and style of Tuisko Lodge, No. 68, A. D. O. H.; and they and their associates and successors to continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, use, and have a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value; and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this is hereby reserved to the General Assembly.

Approved April 4, 1861.



## CHAPTER 313.

1861.

AN ACT to incorporate the town of Nebo, in Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Nebo, in Hopkins county, is hereby incorporated, the boundary of which is as follows, to-wit: Beginning at the north corner of Green street, opposite the corner of lot No. 12; thence running west with said street to the corner of lot No. 62; thence with Charles street south, including said street, to a point from which, by running a line east, parallel with Green street, will include the residence of E. H. Green; thence north a straight line with the eastern boundary of lots Nos. 6, 8, 10, and 12, to the beginning, according to a plan of said town made in October, 1860, by Charles Seymour.

§ 2. That there shall be three trustees elected in said town on the 1st Monday in May, 1861, at an election held by two justices of the peace for said county on that day, who shall, before they enter upon the discharge of their duty, take an oath before some other justice of the peace in said county, that they will faithfully and impartially discharge the duties required by this act; that said trustees and their successors in office shall be a body politic and corporate, and shall be known by the name and style of the "Trustees of the town of Nebo," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of defending and being defended, in all courts in this Commonwealth.

§ 3. There shall be elected for said town of Nebo a police judge and town marshal; and all persons residing in said town, who are qualified electors for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal; said police judge shall be elected at the same time, and hold his office for the same term; the presiding judge of the Hopkins county court, and the town marshal, shall be elected at the same time, and hold his office for the same term, as the sheriff of said county; the first election for police judge and town marshal shall be held in the town of Nebo on the first Monday in August, 1861, and shall hold their offices until the next regular election for presiding judge of the county court and sheriff, and until their successors shall be elected and qualified.

§ 4. Upon the presentation to the Governor of a certificate of the trustees of said [town] of the election of a police judge, said Governor shall issue a commission therefor. Said police judge shall, before he enters upon the discharge of the duties of his office, take such oath as may

1861. [be] required by the constitution and laws of county judges; said police judge shall have jurisdiction of all cases, criminal as well as civil and penal, which occur in the limits of said town, equal to the jurisdiction of justices of the peace in similar cases; shall have cognizance of all offenses arising under the by-laws of said town; may issue warrants, enter up judgments, and issue executions accordingly. Cases arising under the by-laws of said town shall be tried as soon as practicable. He shall hold a court for the trial of civil causes once every three months; the time of holding same shall be fixed by the Hopkins county court. It shall be the duty of said police judge to keep a fair and just record of all his proceedings; certified copies of which shall be evidence in other courts. He shall have power to compel the attendance of witnesses, as justices of the peace have, and fine persons for contempt not exceeding five dollars.

§ 5. That said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the improvement of the same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town [not] inconsistent with laws and constitution of this State; they shall have power to levy and collect a tax upon the property of the citizens of said town, or any person owning property therein, not exceeding one dollar on each tithe, and fifty cents on each one hundred dollars' worth of property within the limits thereof; they shall have power to tax auctions, shows, and exhibitions for money, such sums as they, in their by-laws, may fix; and to pass all such by-laws, rules, and regulations for the good government of said town, as may be necessary for that purpose.

§ 6. That upon all judgments rendered by said police judge, either party may take an appeal in the same manner as parties may appeal from the judgments of justices of the peace in similar cases.

§ 7. The marshal shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, executions and other demands placed in his hands to collect, and account for and pay over the same to the person entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and constables in the collection of executions and other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. Said marshal shall be entitled to the same fees for collecting the town tax that the sheriffs are entitled to for collecting the county levy,

and in all other cases to the same fees constables are allowed for like services; and said marshal shall have concurrent jurisdiction with a constable in the district in which said town is located.

§ 8. All fines and forfeitures in cases cognizable before said police judge, shall be collected and paid to the treasurer of said board of trustees, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a justice of the peace for any violation of the penal laws, committed within the limits of said town, shall be in like manner paid over to the treasurer.

§ 9. All the citizens of said town shall be exempt from working on roads outside said corporation.

§ 10. This act shall take effect from and after its passage.

Approved April 4, 1861.

#### CHAPTER 314.

AN ACT to create the offices of police judge and town marshal in Cromwell, Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That on the first Monday in August next the qualified voters of Cromwell, Ohio county, shall have a right to elect a police judge and town marshal for said town; the former to continue in office until the next regular election of county judge, and the latter until the next regular election of sheriff of said county; and after the first regular election the police judge shall hold his office for the same time as county judge, the marshal as sheriff.

§ 2. The candidates for police judge shall have the same qualifications as those for the office of county court judge, and for marshal those for the office of sheriff.

§ 3. The jurisdiction of said officers, except in penal and criminal cases, is confined to the jurisdiction of said town, equal to the jurisdiction of the justices and constable of said magistrate's district; and have the same fees as them for similar services, and be governed by the same laws.

§ 4. They shall enter upon the discharge of their duties the first Monday after their election, and continue until their [successors] shall be qualified.

§ 5. The marshal shall, before he is qualified, enter into bond before the trustees of said town, with at least two approved securities, conditioned to faithfully discharge the duties of his said office; and for any failure thereof, like proceedings may be had against him and sureties as now

1861.

provided by law against constables and their sureties; and they are subject to like penalties.

§ 6. The bond provided for in the above section shall be taken and preserved by the trustees of said town.

§ 7. The election herein provided for shall be held by the officers now authorized by law to hold the election for the offices of sheriff and county judge of said county, and certificates by them given.

Approved April 4, 1861.

## CHAPTER 315.

AN ACT to amend the charter of Edmonton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate  
limits and cor-  
porate powers.

§ 1. That all that portion of Metcalfe county, embraced within the limits of the town of Edmonton, shall be, and is hereby, declared to be the town of Edmonton, and as such, by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, by and through its chairman and board of trustees, in all matters whatever, and in all courts and places.

Management of  
town vested in  
board of trus-  
tees.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the chairman of the board of trustees; and four trustees, who shall be elected on the 1st Saturday in May, in each year, in the manner hereinafter prescribed, and shall hold their offices until their successors are duly elected and qualified. The trustees aforesaid shall be of the full age of twenty-one years, and residents of said town for one year next before their election.

Officers—when  
elected.

§ 3. That on the first Saturday in may next, there shall be an election held in said town by two judges, appointed by the board from their number, and a clerk, for a chairman and four trustees; and on the 1st Monday in August next, a police judge and marshal for said town shall be elected—the police judge to hold his office for four years, and the marshal for two years, and until their successors are elected and qualified; all free white male persons over the age of twenty-one years, who shall be *bona fide* residents of said town for six months before the election, shall be entitled to vote at said election; if a vacancy should occur in any of the aforesaid offices, it may be filled by the board of trustees, a majority concurring therein; and until the August election, said board may appoint a police judge and marshal.

§ 4. The judges and clerk of said election shall, on the day after the elections provided for in this act, meet at the county court clerks' office, in Metcalfe county, and compare the vote, and issue certificates of election to the persons receiving the highest number of votes, and, thereupon, the persons thus elected shall take the oaths now prescribed by the constitution of Kentucky.

1861.

Judges to compare vote, &c.

§ 5. The chairman, trustees, police judge, marshal, and all officers appointed by the board, shall reside and keep their offices within the limits of said town during their continuance in office. Said board of trustees may fill all vacancies occurring by resignation, death, removal or otherwise, in the board, or in any of the offices of said town. They may, in the absence of the chairman at their meetings, fill his place by temporary appointment of one of their own number.

Officers to reside in town.

Vacancies—how filled.

§ 6. The chairman shall preside at the meeting of the board, and give the casting vote when there shall be a tie. He shall call the board to order and convene the same when he may think proper, and shall sign his name to all orders and proceedings of the board entered upon their book kept for that purpose.

Meetings—how conducted.

§ 7. The regular meetings of the board shall be held on the third Thursday of every month throughout the year. Four of the trustees shall be capable of doing business in session. The board shall have power to inflict a penalty, not exceeding two dollars, on any member for non-attendance at any one meeting.

Meetings—when held.

§ 8. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, records, and everything belonging to the office, and deliver the same to his successor in office, on application being made therefor; he shall keep a regular journal of the proceedings of the board, and a correct account of the fiscal concerns thereof; he shall record all the acts, resolutions, and orders of the board; he shall take all bonds and agreements between the board and other persons; he shall furnish attested copies of all acts, resolutions, and orders, passed by the board, when required to do so by persons entitled to demand the same; he shall draw his orders on the treasurer or chairman for all sums of money due to persons on claims allowed by the board; and on the return of the assessor's list to the board, and the assessment of the taxes thereon, he shall hand over one of said lists, together with the order fixing the rate of assessment, to the collector, taking his receipt therefor; he shall be required to give bond, with sufficient security in an adequate penalty, to be fixed by the board, conditioned for the faithful discharge of the duties of his office.

Clerk—his powers and duties.

§ 9. The board of trustees shall have full power and authority (a majority therein concurring) to cause all the

May cause streets and alleys to be paved.

1861.

streets and alleys, or any of them, or any part or portion of them in said town, now established or hereafter to be established, to be graded, paved, turnpiked, graveled, or otherwise improved.

May cause  
sidewalks to be  
improved.

§ 10. The board of trustees shall have full power and authority to cause the sidewalks, or any part or portion of them, in said town, to be curbed, graded, and paved with stone or brick, and when so done, to be kept in good repair; and to assess the costs and expenses of such curbing, grading, and paving, or repairs adjacent to any lot or part of lot against the owner of the lot or part of lot fronting thereon; and to secure the payment of said costs and expenses, a lien is hereby given on said lots or parts of lots; said costs and expenses may be listed as taxes with the collector of said town, and by him collected as other taxes; who shall have power to sell and convey said lots and parts of lots, or so much thereof as may be necessary, in the same manner that other real estate may be sold in said town for taxes: *Provided*, That infants, *femes covert*, and persons of unsound mind, shall have five years after their several disabilities are removed to redeem the same.

May regulate  
sale of spiritu-  
ous liquors,

§ 11. The board shall have the exclusive right to regulate the sale of spirituous liquors in said town; they shall also have the right to tax, and the exclusive right to license, all taverns within said town; but tavern-keepers and vendors of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid; and no license shall be granted to any one to vend spirituous liquors in said town until after the payment of the tax therefor imposed by the board.

May tax liquor  
venders.

§ 12. That said board of trustees shall have authority to impose a tax of not less than fifty nor more than one hundred dollars per year upon all persons by them licensed to vend spirituous liquors.

May suspend  
license.

§ 13. They shall have power and authority, a majority of the trustees concurring, to suspend, either indefinitely or for a limited period, any license which they may grant, or which may have been granted, to a tavern-keeper or coffee-house keeper, [who] has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person to tipple or drink to intoxication therein: *Provided, however*, That no license shall be suspended until said tavern or coffee-house keeper shall have had at least five days previous notice in writing, signed by the chairman or one of the board of trustees, setting forth the grounds of complaint, and unless he has been permitted to show cause, if any he can, why his license should not be suspended; if any person, whose license shall have been thus suspended by said board, shall afterwards sell by retail

any spirituous liquors or wines, he shall be deemed guilty of keeping a tippling-house.

1861.

§ 14. They shall have power and authority to suppress, by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous liquors and wines, all riots, breaches of the peace, disorderly or indecent conduct, vagrancy, disturbances of religious worship, disturbances of the peace and tranquility of the town, and unlawful assemblages of slaves and free negroes in said town; they shall also have the power to prevent, by ordinance, with suitable penalties, upon the owner of any tavern or coffee-house in said town where spirituous liquors are sold, the entrance in such tavern or coffee-house of any slave or free negro.

May suppress  
tippling-houses,  
&c.

§ 15. The marshal shall attend all the meetings of the board of trustees, and all the sessions of the Edmonton police court, and preserve order under his or their direction; he shall execute all process emanating from the Edmonton police court; he may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions therefor that constables are allowed for similar services; he shall execute bond with sufficient security therefor before the chairman and board of trustees, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money that may come to his hands, to the persons entitled thereto; for other services than those above provided for, he shall be entitled to the same fees that are allowed to sheriffs for similar services; he and his sureties shall be liable to judgment, by motion in the courts having jurisdiction, in favor of any person or corporation entitled to money collected by said marshal, in like manner as constables are by law now liable; he shall have full power, within the county of Metcalfe, to serve all process and precepts to him directed from the police judge, any justices of the peace, or the judge of the Metcalfe quarterly court, and make due return thereof; and shall levy and perfect executions upon all orders and judgments of the police judge, justices of the peace, or judge of said quarterly court; he may serve notices and make due return thereon, and for his services he shall receive the same fees and commissions as constables and sheriffs are by law now entitled to receive for similar services, where it is not otherwise provided by this act. The marshal shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a riot, rout, affray, or breach of the peace, and for all warrants where a fine is to be assessed by a jury before the police judge, or justice, or judge of the Metcalfe quarterly court; and twenty-five cents for all other warrants; and a fee of fifteen cents for summoning a witness; and to the same fees from the State, to be paid

Powers and  
duties of mar-  
shal.

Fees of mar-  
shal.

**1861.** out of the treasury and county levy; for serving felony warrants, and warrants against slaves for misdemeanors, as constables are for like services; and in the exercise of the powers herein conferred, he shall be governed in all cases by the laws governing constables, and be liable in the same manner and to the same extent as sheriffs and constables are in like cases, for the non-performance of any of the duties enjoined in this act. Should a vacancy occur in the office of the town marshal, the same may be filled until the next regular election by appointment of the board of trustees.

Powers and duties of police judge.

§ 16. That the police judge of the town of Edmonton shall [have] exclusive jurisdiction, within the limits of said town, of all the misdemeanors and infractions of the ordinances of said town, and of all causes, civil, criminal, and penal, in which justices of the peace have jurisdiction, and shall proceed in the same manner that justices of the peace are required to proceed in similar cases; he shall be a conservator of the peace, and shall have the same jurisdiction, power, and authority in all cases civil, criminal, and penal, that all justices of the peace for Metcalfe county have; he shall have jurisdiction of all offenses or causes arising out of the by-laws or ordinances of said town, passed by the board of trustees for the enforcement of the powers granted them by law; he shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power to impose fines in all cases of misdemeanors, to the amount of twenty dollars, without the intervention of a jury, and shall have the right to imprison the person so fined in the county jail, until the same is paid by imprisonment, at the rate of two dollars per day; he shall have the same power to punish for contempts as by law justices of the peace now have; he shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace; all trials before the police judge shall be held and had in the town of Edmonton.

May appeal from decision of police judge.

§ 17. That upon all judgments rendered by the said police judge, either party shall have the right to appeal from said judgment, in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

How process to be issued, &c.

§ 18. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, and make them returnable before him as police judge; the same shall be directed to the marshal, or to any constable or sheriff of Metcalfe county, and shall be executed or returned by the marshal, constable, or sheriff, as the case may be, under



the same penalties as other process from justices of the peace. Police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or any misdemeanor, or for a breach of any of the laws in relation to the town of Edmonton, or of any by-laws or ordinances of the board of trustees; he shall be entitled to a fee of twenty-five cents for all other warrants, twenty cents for recording a judgment, twenty cents for issuing an execution, and twenty cents for rendering judgment. In all other cases he shall be entitled to and receive the same fees as justices of the peace for similar services.

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§ 19. That in the event of a vacancy occurring in the office of police judge, by death, resignation, or otherwise, the board of trustees shall have the power to fill the vacancy, by appointment, until the next regular election for said officer.

Vacancy—how filled.

§ 20. That all acts inconsistent with this act are hereby repealed; all acts relating to the town of Edmonton, not inconsistent with the foregoing, are hereby declared to be still in force.

Other acts repealed.

§ 21. This act to be in force from its passage.

Approved April 4, 1861.

## CHAPTER 317.

AN ACT to incorporate the Campbellsburg Mutual Insurance Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Chilton Scott, L. Goslee, Jas. Tutt, Charles Scott, James Scott, James Sandifer, and all other persons who may hereafter become members, be, and they are hereby, incorporated and made a body politic, by the name of the "Campbellsburg Mutual Insurance Company;" for the purpose of insuring their respective stores, dwelling-houses, out-houses, barns, and all other houses or places of business, their household furniture, fixtures, goods, wares, and merchandise, grain, &c., against loss or damage by fire, under the rules herein prescribed; and by that name may sue and be sued, defend and be defended, in any court of record, or other place whatever, having jurisdiction of the matter in controversy, according to the laws of this State regulating the jurisdiction of superior and inferior courts thereof; may buy and hold such real and personal estate as may be necessary to effect the object of this association; and the same may sell, convey, and dispose of at their pleasure; may make, alter, and put in execution such by-laws and regulations, not contrary to the laws of this

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1861.

State or the United States, as may be deemed by them necessary for the control and government of their affairs.

§ 2. That all persons who insure in said company shall be deemed members thereof.

§ 3. The following officers shall be elected yearly by the association, viz: a president, vice president, secretary, and treasurer, to be chosen by ballot; and a majority of all the members present at the time of the election shall be required to elect.

§ 4. After the company has received its charter and organized, each member shall be required to pay such a sum as may be agreed on by the company, or a majority of them, as a fee of membership, not to exceed two per cent. on the amount or value of property insured; and the same shall be paid by each person thereafter becoming a member.

§ 5. Each member of the company shall pay to the treasurer his proportionate part of any loss sustained by the company within three months after the loss is sustained; and should any member fail or refuse to do so, he may be sued in any of the courts of this Commonwealth having jurisdiction of the amount, and forfeit all his rights and privileges as a member of the company.

§ 6. The company may insure such property as they may agree upon in their by-laws, or by a vote of the majority of its members; they shall not insure property for more than three fourths of its value at the time the insurance is effected; the rates of insurance may be so regulated as to correspond with the risk from fire.

§ 7. There shall be a committee of three persons, to be members of the company, who shall fix the value of houses, and all property insured; and they shall take an oath before a magistrate to faithfully discharge their duties. A majority of the committee can value; and if they desire their property insured, or either of them, the same shall be valued by the president, secretary, and treasurer of the company under oath.

§ 8. The committee aforesaid shall determine the loss by fire, unless it is their own property—then the president, secretary, and treasurer. If the assured and committee cannot agree, each one shall choose an impartial person to settle it.

§ 9. Every member suffering loss from fire shall at once notify the secretary, reporting to him the causes of the fire, if known, and the value of his property destroyed, which report shall be sworn to before a magistrate. If the fire was caused by his own neglect, or willful and deliberate act and intent, all claim on the company shall be forfeited.

§ 10. If a member of the company adds to the risk of the company, by erecting other buildings, or suffering it to be

1861.

done, or in any other way, without the consent of the company, or a majority of those present when he notified them of said additional risk, his policy shall be void.

§ 11. If a fire occur from the use of powder or other combustible, through the carelessness of the assured, he shall forfeit all claims upon the company.

§ 12. Every one, on becoming a member, shall, after paying his entrance fee, receive a certificate of membership from the secretary, signed by the secretary and president.

§ 13. Every policy shall be signed by the president and secretary, and every renewal shall be signed by both.

§ 14. Any member can withdraw by giving the president one month's notice of his intention, and by paying first all dues owing by him as a member.

§ 15. If one insures and dies, the insurance shall be good for his heirs and executors until it expires: *Provided*, They remain in possession of the property insured.

§ 16. No policy of insurance shall be given on any property for a longer period than two years, and for a shorter period than three months.

§ 17. A vote of a majority of all the members present shall be necessary to make, alter, or change any law or by-law of the company.

§ 18. Every member of the company shall be bound to pay his proportion of all losses and expenses happening and occurring in and to said company.

§ 19. This company to exist so long as six of its members remain.

§ 20. The company, or a majority of its members, may require a premium paid, in addition to the fee of membership, if they so desire, and find it necessary for the interest of the company.

§ 21. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 318. -

AN ACT to incorporate the town of Linton, in Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Linton, in Trigg county, be, and the same is hereby, established and incorporated as a body politic, having all the rights, duties, and liabilities of such corporation, as now provided by law; that the free white male citizens of said town, over the age of twenty-one years, shall have power, on the first Monday in August, and annually thereafter, to meet at some place in said town, and to hold an election, *viva voce*, for five suitable

1861. persons, to act as trustees of said town; they shall also have power, on the first Monday in August next, to elect a police judge and town marshal, who shall hold their offices until the next regular election for county judge and sheriff; the said police judge shall thereafter be elected for the same term that county judges are elected, and the said marshal for the same term that sheriffs are elected.

§ 2. That said trustees may appoint a clerk of their board, who shall keep a faithful record of their acts and doings, and of all by-laws and ordinances by them enacted, attest the same, and perform such other legal duties as the trustees may require of him; they may enact by-laws and ordinances for the government of said town, and impose suitable fines for their violation, not exceeding the jurisdiction of a magistrate.

§ 3. The marshal of said town shall give bond in a sufficient sum, with security, approved by said trustees, for the safe-keeping and accounting for all moneys which he may receive belonging to said town, to be payable to said trustees, which bond shall be kept by said clerk as an official paper; and the said marshal shall have the same powers, rights, duties, fees, and legal liabilities within the limits of said town, as any constable of Trigg county.

§ 4. That the police judge shall have the same jurisdiction concurrent with the justices of the peace, criminal, legal, and equitable, within said town limits, and the same fees, rights, duties, and legal liabilities, as any magistrate in Trigg county, and jurisdiction over all claims arising under the by-laws and ordinances of said town.

§ 5. That said board of trustees shall have power to fill any vacancy that may occur in their said board; also, to order an election, at any time, to fill any vacancy that may occur in the office of police judge or marshal; they shall have power to apply any moneys, arising under the provisions of this act, to whatever public uses they may think the interest of said town requires.

§ 6. This act shall take effect from its passage.

Approved April 4, 1861.

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## CHAPTER 319.

AN ACT to amend an act to incorporate the town of Providence.

WHEREAS, By the provisions of the 4th section of an act, approved the 1st day of March, 1860, entitled "An act to incorporate the town of Providence, in Hopkins county," it is therein provided that the marshal of said town shall have the same powers, rights, duties, fees, and legal liabilities within the county of Hopkins, as any constable of said

county; and whereas, since the passage of said act, the said town of Providence has been included in the county of Webster:

1861.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town marshal of said town shall only have power and authority to execute and collect process that may be issued by the police judge of said town, and no other; he may also collect all fines and forfeitures and taxes for said town, and account for the same in the manner prescribed in said act.

§ 2. That the election for officers of said town may be held on the 1st Monday in August, 1861, and on the same day in each year thereafter, as directed in said act.

§ 3. This act shall be in force from and after its passage.

Approved April 4, 1861.

## CHAPTER 321.

AN ACT for the benefit of Hart county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the justices of the Hart county court, a majority of them concurring, are hereby authorized to sell the old clerk's office, and such portions of the court-house square, in the town of Munfordsville, as they think proper, the proceeds whereof to go to lessening the county levy of said county.

Approved April 4, 1861.

## CHAPTER 322.

AN ACT to amend the charter of the Portland Savings Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of "The Portland Savings Bank," approved February 17th, 1858, be so amended as to strike out of the first section thereof the word "institution," and insert in lieu thereof the word "bank," so that the enacted title thereof shall read: "The Portland Savings Bank."

§ 2. That said bank may be located at any point within the corporate limits of the city of Louisville, or in the town of Portland, as now provided.

§ 3. This act to take effect from its passage.

Approved April 4, 1861.

## LAWS OF KENTUCKY.

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## CHAPTER 323.

AN ACT for the benefit of William A. Sallee, of Pulaski county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved March 2d, 1860, entitled "An act for the benefit of William A. Sallee, of Pulaski county," shall be extended to the said Sallee in the counties of Wayne and Whitley.

§ 2. This act shall take effect upon its passage.

Approved April 4, 1861

## CHAPTER 324.

AN ACT for the benefit of George W. Lewis, Samuel C. Sayres, John M. Todd, and William D. Robertson.

WHEREAS, George W. Lewis and Samuel C. Sayres, John M. Todd and William D. Robertson, reporters for the Commonwealth and Yeoman, for their full, accurate, and impartial reports of the proceedings of the General Assembly, are entitled to receive some testimonial of approbation; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Public Printer is hereby directed to furnish to each of them all such books and documents as, by law, the members of the General Assembly are entitled to receive for the present session.

§ 2. That this act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 325.

AN ACT for the benefit of W. B. Woods, of Pulaski county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and is, directed to draw his warrant on the treasury in favor of Wesley B. Woods, of Pulaski county, for the sum of twenty-four dollars for teaching a common school two months in the year 1854, in said county, district No. 93, to be charged to the common school fund, which the treasurer is hereby directed to pay.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 326.

1861.

AN ACT for the benefit of Shelby and Spencer counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That all executions which shall have been issued since the 1st of January, 1861, in any county in this State where the spring terms of the courts have been abolished by this Legislature, directed to any officer in the counties of Shelby and Spencer, shall be returned to the officer by whom it was issued, and be re-issued and made returnable to the 1st of March, 1862.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 327.

AN ACT for the benefit of Thos. Basye, of Oldham county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of Thos. Basye for the sum of fifty-six dollars.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 328.

AN ACT for the benefit of school district No. 32, in Barren county.

WHEREAS, It has been made to appear to the General Assembly that the trustees of school district No. 32, in Barren county, for the year 1860, failed to make their report to the school commissioner for said county in due time ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the school commissioner of said county be directed to report said district to the Superintendent of Public Instruction, and that the Auditor be directed to draw his warrant on the treasury in favor of said Superintendent for the sum of money due said district for the year 1860.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

1861.

## CHAPTER 329.

AN ACT for the benefit of O. F. Rankin, of Kenton county.

WHEREAS, It has been made to appear to the General Assembly that O. F. Rankin is so situated that he is deprived of all benefits of the schools in his district, and that he is conveniently situated to send to the school in the 4th justices' district; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the line of the 4th justices' district of Kenton county, near the residence of O. F. Rankin, be, and hereby is, so changed as to include his residence in said 4th justices' district.

§ 2. That this act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 330.

AN ACT for the benefit of J. R. Cargile, late sheriff of Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. R. Cargile, late sheriff of Hopkins county, be, and he is hereby, allowed the further time of six months, from and after the passage of this act, to collect and pay the revenue of said county of Hopkins into the treasury; and no judgment shall be taken, or execution issued against him therefor, until after the expiration of such time.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 331.

AN ACT for the benefit of the towns of Shelbyville and Elkton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in all cases when any person may have been found guilty of a violation of the laws of this State over which the police judge of said town has jurisdiction, or of the charter and by-laws of the town of Shelbyville, that is punishable by fine and imprisonment, or by either, it may be lawful for the police judge of the town of Shelbyville, and he is hereby empowered, to commute any fine, and the costs of trial, and any imprisonment inflicted on any one tried before him and found guilty, in the event the same is not paid or replevied, by sentencing such person to labor



in improving and keeping in repair the public property of Shelbyville until said fine and costs are paid, or until his sentence of confinement expires: *Provided*, That no one so sentenced shall be allowed less than one dollar, nor more than two dollars and a half, per day for his or her labor; the price to be fixed by the judge: *And provided further*, That any one so sentenced shall have the right to pay his fine and costs, or replevy the same, at any time after sentence, which shall entitle him or her to a discharge.

§ 2. The provisions of this act shall apply to the town of Elkton, in Todd county.

§ 3. This act shall take effect from and after its date.

Approved April 4, 1861.

### CHAPTER 332.

AN ACT incorporating the Spencer and Shelby turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be, and is hereby, incorporated as a body corporate and politic, by the name and style of the Spencer and Shelby County turnpike company, for the purpose of constructing a turnpike road from Taylorsville, up Brashear's creek and Stone branch, the nearest and most practicable route to meet the Shelby pike at Abner Campbell's, in Shelby county, making M. B. Shelburne and Anderson Rice points in said road; and by that name may sue and be sued, plead and be impleaded, in all courts in this Commonwealth; and have and use a common seal, and alter and amend the same at pleasure.

§ 2. That the capital stock of said company shall not be more than eighteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That the books for the subscription of stock may be opened in the town of Taylorsville, and such other places as may be deemed best, under the direction of James M. Cissel, Seymore Shelburne, John Henry, Stephen Martin, James Martin, James Allen, Joseph P. Holt, Anderson Rice, James Reeser, John B. Ford, and Abner Campbell, all of whom are hereby appointed commissioners for the purpose of obtaining subscription of stock in said incorporation; and the commissioners shall procure a book or books, which shall contain the following, and shall be signed by any person who shall take stock in said company or corporation: "We, whose names are hereunto subscribed, do severally bind ourselves to pay respectively to the president, directors, and company of the Spencer and Shelby County turnpike road company, the sum of fifty dollars for

1861: each and every share of stock set opposite to our name, in such manner and proportion, and at such times, as shall be required by the president and directors of said company;" and when the president and directors shall have been elected, as hereinafter provided, they shall have full control of said books of subscription, and may have the same opened from time to time until a sufficient sum is subscribed to complete the work on said road.

§ 4. Individuals or companies may be allowed to subscribe, as stock in said company, that they will construct one mile or more, or a fraction of a mile, of said road, and may designate the beginning point; and any such subscription, upon the taking of which the company shall organize, at the rate of fifteen hundred dollars per mile; but the actual stock shall be such sum as the engineer, and president and directors, shall estimate the cost to be.

§ 5. That as soon as a majority of said commissioners shall be of opinion that a sufficient amount of stock is subscribed to justify a commencement of said road, they may call a meeting of the stockholders and hold an election for president and five directors, who shall hold their offices for one year, and until like officers have been elected: *Provided*, That should there a vacancy occur, the remainder of directors shall fill the same by appointment; and should the offices of the directory become vacant from any cause, any three of the stockholders may call a meeting of the stockholders, as above mentioned, to fill such vacancy by an election. The directors shall appoint a treasurer and such other officers as they may deem necessary; and the said treasurer, before he enters upon the duties of his office, shall execute his bond to said company, conditioned as usual in such cases.

§ 6. That upon the election and qualification of said president and directors, they shall be a body politic and corporate, and shall have perpetual succession, and all the privileges and franchises incidental to like corporations; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be deemed necessary by said directors in the construction of said road.

§ 7. That the president and directors, after their election, shall make a call upon the different stockholders for payment upon their several subscriptions, which call may be made in such manner as they shall deem right and just: *Provided*, That the first call shall not be over twenty per cent. on the amount subscribed; and for all subsequent calls a notice of forty days shall be given.

§ 8. That every stockholder shall be entitled to one vote

on each share of stock owned by him, and may vote by proxy.

1861.

§ 9. That the stock of said company shall be transferable in the same way, and be governed in every respect as is provided in the charter of the Louisville and Taylorsville turnpike road company.

§ 10. Said company shall open their road to a width of forty feet, twenty-two feet of which shall be graded, and fifteen feet of the graded portion shall be macadamized.

§ 11. That the provisions of the Revised Statutes regarding turnpike roads, not inconsistent with this act, shall be parts hereof.

§ 12. That the lands of James M. Allen, James M. Cissell, John B. Stone, Spear Martin, Daniel Stone, Seymore Stone, George Newman, Sallie L. Stone, M. B. Shelburne, Eliza M. Shelburne, Seymore Shelburne, and Wm. H. Stone, and the lands of any and all other persons hereafter subscribing to the capital stock of said road, shall be, and the same is hereby, exempted from any taxation for the construction of a turnpike or plank road for the period of six years from the date of this enactment, any legislation heretofore to the contrary notwithstanding.

§ 13. That the president and directors, when organized, shall have the further period of six years to finish and complete said road.

§ 14. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 333.

AN ACT concerning the town of Woodsonville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the limits of the town of Woodsonville be so extended as to include in its northern boundary line the residence of Mrs. H. A. Woodson, (now occupied by W. Miller;) the eastern boundary line so as to include John Dewitt's place; and to extend the eastern and western boundary line so as to include the residence of John L. Harper, M. Collihan, Isaac Chaplin, (now occupied by W. A. Chaplin,) and James W. Pasbury, making the southern boundary line include the residence of A. L. Woodson.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

## LAWS OF KENTUCKY.

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## CHAPTER 334.

AN ACT to amend the charter of Pitt's Point.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees, police judge, and marshal of the town of Pitt's Point, shall qualify and enter upon the discharge of their duties on the second Saturday in August, 1861.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 335.

AN ACT for the benefit of school district No. 18, in Lincoln county.

WHEREAS, A common school was duly taught, during the year 1860, in district No. 18, in Lincoln county; and said district was duly reported to the Superintendent—the whole number of scholars therein being ninety; but, by mistake, said number was entered in the county tables nineteen; wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is authorized and directed to allow, out of the common school fund, to said district No. 18, the portion due to seventy-one scholars therein, to whom an allowance was not made, on account of the mistake in the preamble recited.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 336.

AN ACT to amend the charter of the town of Caseyville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the town of Caseyville be so amended that the marshal of said town may levy upon and sell real estate within the limits of said town, in satisfaction of any and all taxes which have been or may hereafter be levied upon the citizens and property of said town by the trustees thereof, and to make deeds therefor as sheriffs are required by existing laws.

§ 2. That this act shall take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 338.

1861.

AN ACT for the benefit of the Louisville Courier Printing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That forty-six dollars seventy-five cents be allowed to the "Louisville Courier Printing Company" for services rendered Enrolled Militia in 1860 and 1861; and the Auditor shall draw his warrant on the Treasurer for that sum, to be paid out of any money not otherwise appropriated.

§ 2. This act to be in force immediately.

Approved April 4, 1861.

CHAPTER 339.

AN ACT for the benefit of Elisha L. Siler.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant upon the treasury in favor of Elisha L. Siler, for the sum of eighteen dollars and fifty cents, and thereupon the State Treasurer shall pay the same.

§ 2. This act shall take effect from the date of its passage.

Approved April 4, 1861.

CHAPTER 342.

AN ACT for the benefit of school district No. 62, in Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 62, in Adair county, be, and they are hereby, allowed further time, until the 1st day of May, 1861, to make their annual report for 1860 to the county commissioner, who shall report to the Superintendent of Public Instruction, and an allowance shall thereupon be made to said district, for the school year ending December 31, 1860; a common school having been duly taught therein during said year 1860, but, by reason of accident, not reported in time.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

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## CHAPTER 343.

AN ACT for the benefit of Harney, Hughes &amp; Co.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That forty-six dollars [and] seventy-five cents be allowed to Harney, Hughes & Co., for services rendered in the years 1860 and 1861 to the Enrolled Militia; and the Auditor is directed to draw his warrant for that sum on the Treasurer, to be paid out of any money not otherwise appropriated.

Approved April 4, 1861.

## CHAPTER 344.

AN ACT for the benefit of William C. McGlasson and Polly Jessee, of Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall and may be lawful for the Adair county court, at its annual court of claims, to make an allowance, to be paid out of the county levy, any sum not exceeding fifty dollars, to each, Wm. C. McGlasson and Polly Jessee, in addition to the amount now allowed them by law: *Provided*, It shall be made to appear to said county court that such allowances are necessary for the support and maintenance of said McGlasson and Jessee.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

## CHAPTER 345.

AN ACT for the benefit of Prentice, Henderson &amp; Osborne.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That forty-six dollars and seventy-five cents be allowed to Prentice, Henderson & Osborne, for services rendered the Enrolled Militia in 1860 and 1861; and the Auditor will draw his warrant for that sum on the Treasurer, to be paid out of any money not otherwise appropriated.

§ 2. This act shall be in force at once.

Approved April 4, 1861.

CHAPTER 349.

1861.

AN ACT to authorize the granting of bowling alley license in the city of Columbus, and in the town of Uniontown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the common council of the city of Columbus shall have power to grant license for bowling alleys to be kept in said town.

§ 2. Before any license for a bowling alley shall take effect, the grantee shall pay to the clerk of the Hickman county court, in addition to the tax charged by the city of Columbus, the sum of ten dollars, and procure said clerk's certificate of said payment on the back of the license. For every such certificate the clerk shall be entitled to fifty cents, to be paid by the applicant.

§ 3. Said clerk shall account for the moneys so received by him, under the second section of this act, as for other tax, and the same shall be paid into the treasury of the State, as the revenue is now paid.

§ 4. This act shall apply to the board of council of the town of Uniontown.

Approved April 4, 1861.

CHAPTER 350.

AN ACT to legalize the acts of the town marshal of Ghent.

WHEREAS, L. P. Sarlls was elected marshal of the town of Ghent, at a time unauthorized by the charter of said town, in consequence of which his acts heretofore done as marshal are void; wherefore, for remedy thereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all acts heretofore done by L. P. Sarlls, as marshal of the town of Ghent, Carroll county, be, and the same are hereby, legalized and rendered of full effect, as though said Sarlls had been legally elected marshal of said town.

§ 2. All acts in relation to the town of Ghent, inconsistent with this act, are hereby repealed.

§ 3. The trustees of said town are authorized to call an election, to fill any vacancy that may occur under the charter of said town, by giving ten days notice; said notice to be posted up at not less than five of the most conspicuous places in said town.

§ 4. This act shall take effect from its passage.

Approved April 4, 1861.

## LAWS OF KENTUCKY.

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## CHAPTER 351.

AN ACT for the benefit of Geo. T. Halbut, of Lewis county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasurer in favor of George T. Halbut for twenty-five dollars, being in full for services performed as agent of the State in collecting the taxes due the State on the lands of Moylan's heirs, in the counties of Carter and Lewis.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 352.

AN ACT for the benefit of the trustees of school district No. 51, in Washington county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 51, of Washington county, be allowed further time to make their report.

§ 2. That this act take effect after its passage.

Approved April 4, 1861.

## CHAPTER 353.

AN ACT for the benefit of the Versailles Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all the property of the Versailles Female Academy, situated in Woodford county, be, and the same is hereby, forever exempted from all taxation: *Provided however*, That the Legislature of this Commonwealth reserves the right to alter, amend, or repeal this act.

Approved April 4, 1861.

## CHAPTER 354.

AN ACT to alter the lines of Gradyville voting district, in Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the lines of Gradyville voting district, in Adair, be so altered and changed as to include within said



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district the residences of George W. Wilcox, Ammon Coomer, James A. Roach, Jeremiah H. Roach, Caleb Mills, Daniel Wilson; and those residing in said houses at this time are entitled to vote at any election held at the voting place in Gradyville voting district, as if they had resided for sixty days in said district before any election held, subject to all other legal disabilities, except such as herein provided against.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

### CHAPTER 355.

AN ACT to amend the road law of Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of an act, entitled "An act to amend the road law of Campbell county," approved February 23d, 1860, as forbids the owners of lands to work out their road tax, be, and the same is hereby, repealed; but nothing in this act shall be construed to alter the apportionment of tax, whether payable in money or labor, as provided in section third of said act.

Approved April 4, 1861.

### CHAPTER 356.

AN ACT to provide an additional voting precinct in Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional voting precinct is hereby established in Campbell county, with the following boundaries: commencing on the Ohio river, at the mouth of Five-mile lane; extending thence up Five-mile lane, and along the Four-mile creek road, to where said road crosses Twelve-mile creek; thence down Twelve-mile creek to its mouth, on the Ohio river; thence down said river to the place of beginning.

§ 2. All legal voters residing within the boundaries of said precinct shall, from and after the passage of this act, cast their votes at the locality known in said county as Indian Spring post-office.

§ 3. It shall be the duty of the judge of Campbell county to appoint judges and other officers of election for said precinct, as is now required by law for other precincts in said county.

§ 4. This act shall take effect from and after its passage.

Approved April 4, 1861.

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## CHAPTER 357.

AN ACT to amend the charter of the city of Newport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the 5th day of June, 1861, it shall not be lawful for the common council of the city of Newport to grant any license for the sale of fresh meat in said city at any localities except the public markets of said city.

§ 2. No person or persons shall, in said city, vend, sell, or traffic in fresh meat, except at the public markets of said city, under such regulations as are prescribed by ordinance of the city council.

Approved April 4, 1861.

## CHAPTER 358.

AN ACT to incorporate Norma Grove, No. 2, United Ancient Order of Druids, in Newport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the officers and members of Norma Grove, No. 2, United Ancient Order of Druids, in the city of Newport, are hereby created a body politic and corporate, with perpetual succession, by the name and style of Norma Grove, No. 2, United Ancient Order of Druids, and by that name may sue and be sued, answer and be answered, contract and be contracted with, and take and hold real estate in the city of Newport not exceeding \$3,000 in value, and sell, exchange, and convey the same at pleasure, and do such other acts and things as corporations of a like character are by law entitled to do.

§ 2. This act shall take effect from its passage, and the General Assembly reserves the right to alter, amend, or repeal the same at pleasure.

Approved April 4, 1861.

## CHAPTER 359.

AN ACT for the benefit of the city of Newport and the Campbell turnpike company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city of Newport, Campbell county, Ky., and the Campbell turnpike company, be, and are hereby, authorized to contract with each other in relation to the acquisition of any rights or privileges, on the part of said city, or the granting of any such by said turnpike company

over that portion of said company's road extending from the intersection of said road with Monmouth and Ringgold streets to the southern line of the corporation of said city, near Constanze's brewery, as they may agree upon; and that so much of said road as the city may, by virtue of any such contract, obtain control of, shall thereby become part of the city of Newport, subject to all the laws and regulations of said city as any portion thereof: *Provided, however,* That the same shall not in anywise affect the rights of said company which may, by the terms of said contract, be reserved to them.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1861.

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#### CHAPTER 360.

AN ACT for the benefit of stockholders in turnpike roads in Clarke county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all original stockholders in turnpike roads in Clarke county, shall have one hand exempt for each one hundred dollars of stock subscribed and paid: *Provided, however,* That no stockholder shall be exempt except those that have subscribed to the stock of roads upon which they worked previous to the construction of said roads: *Provided also,* That this act shall not apply to stockholders in such roads as have not been completed, or so much thereof as would entitle the same to one or more gates.

Approved April 4, 1861.

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#### CHAPTER 363.

AN ACT to repeal an act to establish an additional voting precinct in Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to establish an additional voting precinct in Carter county," approved March 3d, 1860, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

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## CHAPTER 364.

AN ACT for the benefit of common school districts Nos. 26 and 36, in Webster county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the school commissioner of district No. 26, in Webster county, are hereby allowed the further time until the 15th of April, 1861, to make their report for common schools taught in 1860.

§ 2. That the common school commissioner for district No. 36, be allowed to draw the amount due that part of said district lying in Hopkins county, as well as that in Webster county.

§ 3. This act to be in force from its passage.

Approved April 4, 1861.

## CHAPTER 365.

AN ACT to incorporate Salt River Lodge, No. 180, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members, and those who may hereafter become members of Salt River Lodge, No. 180, of Free and Accepted Masons, in Mount Washington, Bullitt county, be, and are hereby, created a body corporate and politic, by the name of Salt River Lodge, No. 180, of Free and Accepted Masons, and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, and of purchasing and of holding such real and personal estate as may be required for the use of said lodge, and to sell and convey such real and personal estate as they now hold or may hereafter acquire: *Provided*, That no investment in real estate, exclusive of buildings, shall at any time exceed ten thousand dollars.

§ 2. That the management of the business of said corporation shall be confided to the master and wardens, and their successors in office, to act as trustees thereof; a majority of whom shall have power to make all contracts pertaining to the property of said lodge: *Provided*, That all business transactions are approved by [a majority] of the members present.

§ 3. That the said trustees shall have power to pass such by-laws and rules, not inconsistent with the constitution of the United States or State of Kentucky, as may be necessary for the safe-keeping of the property and other interests of the lodge; that said trustees shall hold their office

until their successors are elected and qualified; and may use a common seal, and change the same at pleasure; and in the conveyance of real estate, the whole board shall join in said conveyance.

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§ 4. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 366.

AN ACT in relation to school district No. —, in Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all included in the following boundary shall compose school district No. —, in the county of Trigg, in which schools may be taught which shall be reported by the school commissioner of said county, as now provided by law: Beginning at Lawrence Barnes'; thence to John Wallis'; thence to John Russell's; thence to William Wallis', on Caney creek; thence with said creek to Little river; thence down said river to the bridge below Cadiz; thence to Albert Jefferson's; thence to Matthew Harris', so as to include James Harris, jr.; thence to James H. Lawrence's; thence to John Dyer's; thence to Wayman Lawrence's, and thence to Lawrence Barnes', the beginning. Said district shall be governed by all the laws now in force in this Commonwealth in relation to common schools.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 367.

AN ACT to authorize the county judge of the county of Webster to change the State road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the application of B. Herrin, E. Vaughn, and Joseph Reynolds, it shall and may be lawful for the county judge for the county of Webster to appoint three disinterested housekeepers of the county of Webster, who, after being duly sworn, shall examine the grounds where the said Herrin, Vaughn, and Reynolds propose to change the State road leading from Providence to Caseyville, leaving the road where Morganfield and Caseyville roads separate; continuing the Morganfield road passing B. Herrin's dwelling, there leaving the Morganfield road and intersecting the Caseyville road, about one hundred yards south of

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1861. James M. Dyes' dwelling; and said commissioners, after examining, shall report the advantages and disadvantages, whereupon the county judge shall have power to order said change, the applicants opening and putting said road in good order.

§ 2. This act shall be in force from its passage.

Approved April 4, 1861.

## CHAPTER 368.

AN ACT for the benefit of William Gwynn.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the treasury in favor of William Gwynn, for the sum of five dollars and forty-four cents, the amount of tax over paid by him to the sheriff of Woodford county for the year 1860.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 369.

AN ACT to amend the charter of the town of Hammons ville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Judge of the Hart county court is hereby authorized and required to appoint officers to hold the elections authorized to be held for town officers in the town of Hammons ville.

Approved April 4, 1861.

## CHAPTER 371.

AN ACT to change the lines of magistrates' and election districts in Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the line of the Columbia, Neetsville, and White Oak districts be so changed as to start from Alexander Orr's; thence to Samuel Curry's, including said Orr and Samuel Curry in the Columbia district; thence to the Blue Hole creek, and down said creek, with the meanders thereof, to Green river; thence with said river to the junction of Casey's creek and Green river; thence a due north

course to the Taylor county line; and thence as the lines now run.

1861.

§ 2. That the line of the Columbia district be so changed as to include the residences of W. W. Page and Henry J. Payne in the Columbia district.

§ 3. This act to be in force from its passage.

Approved April 4, 1861.

#### CHAPTER 374.

AN ACT to legalize the conveyances made to R. S. C. Alexander for lands on the waters of Green river.

WHEREAS, Some doubts exist as to whether R. S. C. Alexander has the legal title to some of the lands claimed by him on the waters of Green river, in this Commonwealth, on which he has been expending large sums of money to erect iron works and carry on the same, in consequence of some of the parties through whom the title was intended to pass being aliens,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That alienage shall in no case be held or deemed to have prevented the passage of the title of any of said lands, but the conveyances shall be held as valid as if made by native born citizens in all courts of justice or elsewhere.

§ 2. The Commonwealth hereby releases to said Alexander, his heirs and assigns, any title or right she may be supposed to have in said lands.

§ 3. This act to take effect on the day of its passage.

Approved April 4, 1861.

#### CHAPTER 377.

AN ACT to repeal in part an act requiring surveyors in the counties of Logan and Todd to keep their offices at the county seats.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act requiring the surveyors of Logan and Todd counties to keep their books in the towns of Russellville and Elkton," approved February 22d, 1860, be, and the same, so far as the surveyor of the county of Todd is concerned, is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

1861.

## CHAPTER 378.

AN ACT for the benefit of the trustees of school district No. 37, in Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 37, in Ballard county, be authorized to draw and pay over to the teachers they employed to teach a district school in said district in the year 1860, the amount they would have been entitled to if the school had been taught out in the time prescribed by law.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 379.

AN ACT to amend an act approved February 11th, 1860, in reference to school district No. 1, in Rockcastle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of school district No. 1, in Rockcastle county, shall, immediately after the passage of this act, set up notices in at least five of the most public places in said district, requiring the qualified voters of said school district to assemble at their voting place in said district, on such day as the trustees may designate, (not more than fifteen days from the setting up of the notices,) and vote upon the question, "Shall the law in relation to said district, approved February 11th, 1860, be repealed?" and if, upon the entire vote cast, a majority shall be in favor of the repeal, then said act shall be null and void; if a majority shall vote against the repeal, then said act shall remain in force.

§ 2. Two of said trustees shall act as judges of the election herein provided, who shall appoint a clerk and sheriff, all of which officers shall conduct said election in the same manner and under the laws now in force governing elections, and prescribing the duties of said officers, and under the penalties therein imposed; and when the poll shall be closed and the votes counted, the judges and sheriff shall make out a certificate of the same, giving the vote for and against the repeal, and shall present the same to the clerk of the county court of Rockcastle county, who shall enter the certificate upon the records of said county court.

§ 3. This act shall be in force from the date of its passage.

Approved April 4, 1861.



## CHAPTER 380.

1861.

AN ACT to amend the charter of the Richmond and Tates' Creek turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the last clause of section 15 of the aforesaid act shall be so amended as to read as follows, viz: "Nor shall any gate be erected within a less distance than two thirds of a mile from the court-house in the town of Richmond."

§ 2. That this act shall take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 381.

AN ACT for the benefit of common school district No. 55, in Allen county.

WHEREAS, It has been represented to the General Assembly that a common school was taught in school district No. 55, in Allen county, in the year 1860, in conformity with the provisions of the school law, but was not reported to the county commissioner, by reason of the removal from the district of one of the two acting trustees of said district; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the school commissioner for Allen county to receive the report of the one acting trustee of district No. 55, when otherwise lawfully made, and report the same to the Superintendent of Public Instruction, who shall make the allowance to said district to which it would have been entitled if regularly reported, and forward the Auditor's warrant for the same to the county commissioner of said county.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

## CHAPTER 383.

AN ACT to amend the charter of the town of Edmonton, in Metcalfe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all of the provisions of an act, entitled "An act to amend an act incorporating the town of Burksville," approved February 15, 1860, be, and the same are hereby, made applicable to the town of Edmonton, in Metcalfe county, except that the boundary of the town of Edmon-

1861. ton shall be and remain as now laid off and fixed by law; that the same number of trustees and other officers as are required to be elected under said act in the town of Burksville shall be elected in the town of Edmonton, and shall possess and have the same powers and duties, and be responsible in the same way; be elected at the same time, and hold their respective offices for the same length of time; that the provisions of said bill applicable to Cumberland county, and to the clerk of the Cumberland county court and the presiding judge of Cumberland county, shall be applicable to the county judge and clerk of the Metcalfe county court.

§ 2. This act to be in force from and after its passage.

Approved April 4, 1861.

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#### CHAPTER 384.

AN ACT to amend the charter of the Hopewell, Bethlehem, and Clintonville turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Hopewell, Bethlehem, and Clintonville turnpike road company be so amended as to authorize the county court of Bourbon county to take stock in the said road to the amount of seven hundred and fifty dollars per mile, upon the completion of each mile of the same.

§ 2. That the fourth section of the said charter be so amended as to authorize the organization of the aforesaid company, as therein provided for, so soon as one thousand dollars shall have been subscribed.

§ 3. That the said company be allowed to erect a toll-gate upon said road when a mile thereof is completed, and receive toll at the same rates now prescribed by law, in proportion to the distance so completed.

§ 4. This act to take effect from and after its passage.

Approved April 4, 1861.

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#### CHAPTER 385.

AN ACT to amend the charter of the town of Danville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The charter of the town of Danville, passed and approved the — day of —, 184 , so amended that the board of trustees of said town are prohibited from levying an *ad valorem* tax upon the property of said town,

for the purposes mentioned in said charter, exceeding twenty cents on the one hundred dollars, instead of forty cents, as heretofore. 1861.

§ 2. The law requiring an election by the people of said town of an attorney for said town is repealed; an attorney for said town shall be appointed by the board of trustees, to continue in office during the pleasure of the board, and at such salary as they may designate.

§ 3. The board of trustees shall not create any debt against the town, either in one or more appropriations, than the revenues of the town in that year will liquidate.

§ 4. That one half of the revenue of said town, or so much thereof, not exceeding one half, as may be required for that purpose, be set apart each year for payment on the existing indebtedness of the town, until the same is fully paid.

§ 5. That the trustees of the town of Danville be, and they are hereby, authorized to close, if they see proper, so much of the western end of Walnut street, in said town, as lies between the campus of the Center College and the grounds on the south of said campus; also, to close, if they see proper, so much of the cross street as lies between the premises of the Institution for the Deaf and Dumb and the property now owned by Samuel Messick, on the south. The board of trustees of said town shall refer the question of the closing of both, or either of said streets, to a vote of the people of said town, if they think proper; and to close one or both, if a majority of the legal voters are in favor of it.

§ 6. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 387.

AN ACT to close a certain alley in the town of Campbellsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the town of Campbellsville, in Taylor county, be, and they are hereby, authorized to make an ordinance closing an alley in said town, running from Main street, between lots Nos. 91 and 92, to the next street lying north of Main street, in the town aforesaid.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

1861.

## CHAPTER 388.

AN ACT to authorize the Georgetown and Long Lick turnpike road company to erect a toll gate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That from and after the passage of this act, the Georgetown and Long Lick turnpike road company be, and is hereby, authorized to erect a toll gate on said road, and charge toll, in proportion to the distance traveled, at the rate authorized by the charter of said company

Approved April 4, 1861.

## CHAPTER 389.

AN ACT creating an additional justices' district and voting place in Floyd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional justices' district and election precinct is hereby established in Floyd county, including the waters of Wolf creek and its tributaries, in said county.

§ 2. That an election for two justices of the peace and one constable, shall be held in said district, at the house of Thos. Collins, on Wolf creek, on the first Saturday in May; and the Floyd county court, at its next April [term,] shall appoint the proper and necessary officers to hold and conduct said election, and it shall be the duty of the sheriff of said county to attend and superintend the same; and, in all respects, said election shall be held and conducted as other elections are required by law to be conducted.

§ 3. That the district hereby established shall be a voting precinct at all elections hereafter held in said county; and Thos. Collins', on Wolf creek, shall be the voting place therein.

§ 4. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 390.

AN ACT for the benefit of John Friend.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be directed to draw his warrant upon the Treasurer, in favor of John Friend, of Floyd county, for the sum of twenty-six dollars and eighty-four cents, to

be paid out of any money in the treasury not otherwise appropriated.

1861.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 391.

AN ACT for the benefit of Daniel Roberts, sheriff of Rockcastle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the treasury in favor of Daniel Roberts, sheriff of Rockcastle county, for the sum of forty-five dollars, (\$45,) as compensation for himself and guard for conveying Mrs. Mary E. George, a pauper lunatic, from Rockcastle county to the Eastern Lunatic Asylum, by order of the circuit court of said county.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

CHAPTER 392.

AN ACT for the benefit of E. B. Bartlett, late clerk of the Kenton Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That E. B. Bartlett, late clerk of the Kenton circuit court, be, and he is hereby, allowed the further time of one year, from and after the passage of this act, to list and collect his fee bills; and the same shall be distrainable as now provided by law, or may be collected by suit in any court having jurisdiction to give judgment therefor: *Provided*, That the said Bartlett shall be liable to all the penalties now imposed by law for issuing and collecting illegal fee bills.

§ 2. That this act shall take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 393.

AN ACT to make Georgiana Davenport, Mary Benton, and Henrietta Benton, the heirs at law of James Ford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Georgiana Davenport, wife of William Daven-

1861. port, and Mary Benton and Henrietta Benton, children of James W. Benton, be, and they are hereby, declared and constituted the heirs at law of James Ford, of Warren county; and shall be capable in law of inheriting, and shall inherit, the estate of said Ford, in case he should die intestate.

§ 2. That this act shall take effect from and after its passage.

Approved April 4, 1861.

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#### CHAPTER 394.

AN ACT to aid in the construction of the Lexington and Southern Kentucky railroad company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the county court of any county through which the Lexington and Southern Kentucky railroad may be located, in the direction of the Tennessee line from Harrodsburg, to make a subscription of stock in said railroad company, when authorized by the people of such county, in the same manner, and subject to the same limitations, as are provided in regard to the county of Mercer in the 25th, 26th, 27th, and 28th sections of an act entitled "An act to incorporate the Lexington and Southern Kentucky railroad company," approved March 2d, 1860.

§ 2. This act to be in force from its passage.

Approved April 4, 1861.

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#### CHAPTER 395.

AN ACT to declare Clifty creek a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Clifty creek, in Logan county, be, and the same is hereby, declared a navigable stream from J. J. Brevard's mill to the mouth of said creek, in said county.

§ 2. That this act take effect from its passage.

Approved April 4, 1861

CHAPTER 397.

1861.

AN ACT authorizing the election of a police judge and marshal in the town of Leesburgh, in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That on the first Monday in August, 1861, the qualified voters of the town of Leesburgh, Harrison county, shall have the right to elect a police judge and marshal for said town of Leesburgh; the said police judge shall continue in office for four years, and marshal shall continue in office for two years, and until their successors are elected and qualified; an election shall be held every second year from the first Monday in August, 1861, for police judge and marshal for said town.

§ 2. That said police judge shall enter upon the duties of said office on the first Monday next succeeding said election; but before doing so, he shall take the same oath of office that is required to be taken by the judges of the county courts, and file a certificate of such oath of office with the clerk of the Harrison county court, to be by him kept and preserved in his office.

§ 3. The person elected as marshal shall, within thirty days after such election, in the county court of Harrison county, enter into bond with good security, to be approved by said court; said marshal shall, in said court, take an oath of office required by law of constables, after which he shall enter upon the duties of his office.

§ 4. That the jurisdiction of the said police judge shall be the same as that conferred by law on justices of the peace upon cases arising within said town; and also jurisdiction of breaches of the by-laws of said town; the jurisdiction of said marshal and his duties shall be the same, in all respects, as those of constables of this Commonwealth.

§ 5. That — trustees of said town of Leesburgh shall have power over the streets, alleys, and sidewalks, and may direct the improvement of the same in such manner as they may deem most beneficial to said town.

§ 6. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth.

§ 7. That all fines and forfeitures in cases cognizable before said police judge, within the town corporation, shall be collected and paid over to the treasurer of the board of trustees of the town of Leesburgh, for the use and improvement of said town, any law to the contrary notwithstanding; and that all moneys collected by a judgment of a justice of the peace, for any violation of the penal laws committed within the limits of said town, shall

1861.

be, in like manner, paid over to the treasurer or trustees.

§ 8. This act shall take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 398.

AN ACT for the benefit of the Fayette county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Fayette county court be, and is hereby, authorized to subscribe as stock in the mouth of Tate's Creek turnpike road company, the fifteen shares of stock held by said county in the Tate's Creek Extension turnpike company, at par; and the first named company is authorized to receive said stock at par as a subscription to its stock to the amount of one thousand five hundred dollars, and to hold the same, or to sell and dispose of it, to aid in the construction of its road.

Approved April 4, 1861.

## CHAPTER 400.

AN ACT to amend an act incorporating the Lexington and Danville railroad.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Boyle county shall hereafter be allowed, for the collection of the tax levied in said county to pay the interest on the county bonds, four per cent. instead of two per cent., as now allowed by law.

§ 2. That this act shall apply to the tax heretofore collected in said county to defray interest on the Boyle county bonds, as well as that to be hereafter collected.

§ 3. That all acts, or parts of acts, inconsistent with this act, be, and they are hereby, repealed.

§ 4. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 401.

AN ACT for the benefit of A. C. Boman, late sheriff of Breathitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That A. C. Boman, late sheriff of Breathitt county, be, and he is hereby, allowed until the first day of January,



1862, to return his delinquent list to the county court of said county. 1861.

Approved April 4, 1861.

## CHAPTER 402.

AN ACT for the benefit of Martha A. Corbin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That whatever interest, in a small house and lot on Upper street, in the city of Lexington, which was conveyed, in the year 1808, by Thomas Bodley to Solomon Brindley, may rightfully belong to the State by escheat or otherwise, since the death of said Brindley, without any known legal heir, be, and the same is hereby, released to and vested in Martha Ann Corbin for her life, and her daughter, Martha Ann, absolutely, after her said mother's death; the said property having been bought in the year 1843 as the property of William T. Barry, claiming and possessed of it after said Brindley's death, and conveyed, in 1846, to the said mother and daughter, as aforesaid, and who have occupied as theirs ever since said sale and conveyance.

Approved April 4, 1861

## CHAPTER 403.

AN ACT to amend the charter of the town of Consolation, Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the police judge of the town of Consolation shall have original and concurrent jurisdiction with justices of the peace for Shelby county.

§ 2. That the said police judge shall be required, when necessary, to perform all the duties of a justice of the peace for said county of Shelby, except sitting in and composing a part of the county court; and that he shall be liable to all the pains and penalties inflicted by law on justices of the peace for malfeasance in office, and be entitled to the same fees for his services as a justice of the peace.

§ 3. That the marshal of said town shall be authorized to perform all the duties of a constable for Shelby county, by giving bond in the county court of Shelby county, conditioned as other constables' bonds are; and that he shall have the same fees for his services as constables are entitled to, and be liable to all the responsibilities that constables are liable to for malfeasance in office.

§ 4. This act to take effect from its passage.

Approved April 4, 1861.

1861.

## CHAPTER 404.

AN ACT concerning the town of West Liberty, in Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That "An act incorporating the town of West Liberty, in Morgan county," approved March 8th, 1854, be so amended that at the regular election for trustees for the town aforesaid, at the same time and place to open a column, in which each person entitled to vote for trustees shall have the right to vote in favor of or against any houses, either tavern or store, being licensed to sell, by retail, ardent or spirituous liquors in said town.

§ 2. That if, in said election, there shall be a majority of votes against granting the license aforesaid, then the county court shall not grant them during the year in which said vote was taken.

§ 3. That in each and every year, and at the time when trustees are elected, a like vote shall be taken, as directed by this act.

§ 4. This act takes effect from and after its passage.

Approved April 4, 1861

## CHAPTER 406.

AN ACT to change the voting place in the Tate district, in Casey county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the voting place in the Tate district, in the county of Casey, be, and the same is hereby, changed from the house of C. P. Tate, in said district, to the school-house on the lands of said Tate.

Approved April 4, 1861.

## CHAPTER 408.

AN ACT for the benefit of Elizabeth Wilkinson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Elizabeth Wilkinson, of the city of Louisville, is hereby made capable in law of making contracts and of acquiring and holding property, real or personal, free from the control of her husband, Edward Wilkinson, in the same manner as if she were a *feme sole*, and in like manner to sell or otherwise dispose of the same.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 409.

1861.

AN ACT for the benefit of the Shelbyville and Westport turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Shelbyville and Westport turnpike road company shall have the right to erect toll-gates wherever they may be necessary in the judgment of the directors thereof, to collect toll for traveling on said road; at which gates they may collect toll pro rata for sections of the road less than five miles in length, at the same rates, and by the same rules and regulations, that now fix and control the rates of toll charged on said road by the laws passed for the benefit of said road.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

## CHAPTER 410.

AN ACT to incorporate the Harmonia Benevolent Society, of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Pauline Lieberman, Emilia Schloss, Freadora Wolfe, Zenette Rosenfield, and their associates, be, and are hereby, created a body corporate, by the name and style of "Harmonia Benevolent Society;" and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution and laws of the United States and of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and may sell and convey the same, or any part thereof, and dispose of the proceeds.

§ 2. The right to alter, amend, or repeal this act, is hereby reserved to the General Assembly.

Approved April 4, 1861.

1861.

## CHAPTER 411.

AN ACT to incorporate Loving Lodge, No. 323, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of Loving Lodge, No. 323, of Free and Accepted Masons, of the town of Jimtown, Monroe county, be, and they are hereby, created a body politic and corporate, by the name and style of Loving Lodge, No. 323, with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge, to receive all necessary conveyances, to sell, convey, and to dispose of all such real or personal estate as they may have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to the masters and wardens, and their successors in office, as trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of notice or process on any two of said trustees shall be sufficient notice to said corporation.

§ 3. That said trustees, named in the second section of this act, shall hold their office until their successors are duly elected: *Provided*, That said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this State, as may be necessary to the management and safe-keeping of the property and other interests of the lodge; and they may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The Legislature reserves to itself the right to change, repeal, alter, or amend this act at pleasure.

§ 5. This act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 412.

1861.

AN ACT to incorporate the German Catholic St. Martin Benevolent Society of Newport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Lambert Day, Henry Houser, H. Brameker, Aloris Helmbacker, and such other persons as may become their associates, by signing the constitution and by-laws, be, and are hereby, created a body corporate and politic, in Campbell county, Kentucky, with perpetual succession, and under the name and style of the German Catholic St. Martin Benevolent Society; and by such name may sue and be sued, plead and be impleaded, may have, use, alter, and break a common seal, and do such other acts and things as by law corporations of like nature may do.

§ 2. The members of said corporate body may provide such rules for the admission of members, the payment of such fees of initiation and membership, elect such officers, including a president and cashier, and pass such by-laws not inconsistent with this charter, or the constitution of this State, as they may deem best.

§ 3. Immediately upon the passage of this act, and on the first day of January of each and every succeeding year, the members of said corporation shall elect a president, cashier, and five directors, who shall have the management of the funds of said association, subject to this charter and the by-laws passed by the members of said association; a majority of the members of said association shall constitute a quorum for the transaction of business in passing by-laws, and shall be presided over by the president of the association, who shall also preside over the meetings of the directors; and he shall have power, at any time, to summon a meeting of the directors, a majority of whom shall be a quorum to transact business.

§ 4. No money shall be expended under the orders of said board, or by direction of any by-law, except upon the order of the president, countersigned by the cashier.

§ 5. The said association shall have power to loan out its funds, in such sums, to such persons, and on such terms, as a majority of its directors may determine; but all evidences of indebtedness to said association for money loaned by them, shall be taken, payable to the president and directors of said association, and they shall have no power to loan money at a greater rate of interest than six per cent. per annum. The association may, by their by-laws, direct generally how and in what sums money may be appropriated to benevolent purposes; and having so directed, the president and board of directors may order such appropriations, from time to time, as the contingencies occur, provided for by said by-laws.

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1861.     § 6. The said association shall hold their meetings in the city of Newport.

§ 7. This act shall take effect from and after its passage.

Approved April 4, 1861.

### CHAPTER 413.

AN ACT to incorporate Hickman Lodge, No. 72, Independent Order of Odd Fellows.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That S. Bentley, Henry W. Kohlhass, Jesse T. Williams, Z. E. Bush, John G. Locknane, J. W. Craddock, and Charles W. Capps, and their associates, be, and they are hereby, created a body corporate, by the name and style of Hickman Lodge, No. 72, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the laws and Constitution of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. Whenever it shall become necessary for said corporation to make a conveyance of any of its real estate, the same shall be done by deed in writing, signed by the acting Noble Grand and Secretary of the Lodge, attested by the corporate seal, and acknowledged by the acting Noble Grand and Secretary before the clerk of the Clarke county court, and recorded as other conveyances of real estate are required to be recorded.

§ 2. The right to alter, or amend, or repeal this act, is hereby reserved to the General Assembly.

Approved April 4, 1861.

## CHAPTER 414.

1861.

AN ACT to incorporate the town of Slaughterville, in the county of Webster.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Slaughterville, in the county of Webster, be, and is hereby, established and incorporated as a body politic; having all the rights, duties, and liabilities of such corporations as now provided by law; that the free white male citizens of said town, over the age of twenty-one years, shall have power, on the first Monday in<sup>d</sup> August, and annually thereafter, to meet at some place in said town, and to hold an election viva voce for five suitable persons to act as trustees of said town; also a suitable person to act as police judge, and another as marshal of said town; said election shall be held by the officers required by law to hold elections in the district in said county in which the town of Slaughterville is situated; and the poll-book used in said elections certified according to law, and return to whomsoever shall be elected as said trustees, to be kept by them or their clerk as official records.

§ 2. Said trustees may enact by-laws and ordinances for the government of said town, and impose suitable fines for their violation, not exceeding a magistrate's jurisdiction, and shall have power to levy and collect a tax upon the tithes and property of said town not exceeding fifty cents per head on the tithes, and the sum of ten cents on each hundred dollars of property, in said town; to establish streets and alleys; to make out a plat and survey, by some competent person, showing the metes and bounds of said town in conformity to a plat of said town now of record in the Hopkins county clerk's office. Survey and plat shall be made out and recorded in the clerk's office for the county court of said county of Webster.

§ 3. Said trustees may appoint a clerk of their board, who shall keep a faithful record of their acts and doings, and of all by-laws and ordinances by them enacted, attest the same, and post them on some public place, and perform such other legal duties as the trustees may require of him.

§ 4. The marshal of said town shall give bond in a sufficient sum, with security approved by said trustees, for safe-keeping and accounting for all moneys which he may receive belonging to said town, to be payable to said trustees, which bond shall be kept by said clerk as an official paper; and said marshal shall only have jurisdiction of processes that issue from the police judge; his fees and legal liabilities shall be the same as any constable of the said county of Webster.

§ 5. Said police judge shall have the same jurisdiction with justices of the peace in all criminal, legal, and equi-

1861. table cases co-extensive in the county of Webster that justices of the peace have in said county, and jurisdiction over all claims arising under the by-laws and ordinances of said town.

§ 6. All said officers shall hold their offices for the term of one year, and until their successors are appointed and qualified; and it shall be the duty of said trustees to see that suitable persons are appointed to hold the annual elections herein provided for, and shall fill vacancies in their body by appointing, until the next election for town officers, and shall fill vacancies in the office of police judge or town marshal, when any such vacancy shall occur, until the next election.

§ 7. Any person failing or refusing to perform any duty enjoined by this act, may be fined any sum not exceeding fifty dollars, to be recovered as any other fine before a magistrate.

Approved April 4, 1861.

#### CHAPTER 416.

AN ACT authorizing the trustees of Winchester to close an alley.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the town of Winchester be, and they are hereby empowered to close so much of an alley in said town as is situated between the property of Thos. H. Moore on one side, and J. W. Parrish and the trustees of the United Baptist church on the other side, whenever the trustees of said church, said Moore and Parrish, or the persons holding said property, shall apply to the said trustees of said town to close said alley.

§ 2. That said trustees shall have the power to open said alley after notice to the parties in possession, whenever, in their opinion, the public good requires the opening the same.

§ 3. This act shall take effect from and after its passage.

Approved April 4, 1861.

#### CHAPTER 417.

AN ACT for the purpose of authorizing a suit vs. the State of Kentucky, in favor of certain parties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the administrator of Martin Looker, or the surviving partner of the firm of Martin Looker & Co., may file a petition, in the Louisville chancery court, against the



State of Kentucky, for the recovery of any money the State may be indebted to the said firm, on account of the over payment for billiard license.

1861.

§ 2. Said suit shall progress in all respects like other suits in said court, according to the rules thereof, except the services of the summons on the attorney for the seventh judicial district shall be sufficient.

§ 3. This act to take effect from its passage.

Approved April 4, 1861.

### CHAPTER 418.

AN ACT to amend the charter of the Lexington and Southern Kentucky railroad company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act to amend the charter of the Lexington and Southern Kentucky railroad company," approved February 14th, 1861, be, and the same is hereby, repealed.

§ 2. That the proviso to the first section of an act, entitled "An act to incorporate the Lexington and Southern Kentucky railroad company," approved March 2, 1860, be, and the same is hereby, repealed.

§ 3. That the following addition be made to the fourth section of said last named act of incorporation: "And said capital stock shall be vendable and assignable in any manner the company may by their by-laws determine."

§ 4. That this amendment shall be submitted to the stockholders of said company, as now incorporated, at some regular meeting; and if adopted by a majority in interest, shall become of equal validity with the original charter of said company.

§ 5. That the 8th section of an act to incorporate the Lexington and Southern Kentucky railroad company be so amended as that a vote of the stockholders, representing four fifths of the stock, shall be sufficient to enable the company to issue the bonds provided for in said section.

§ 6. This act to take effect from its passage.

Approved April 4, 1861.

### CHAPTER 419.

AN ACT for the benefit of Alf. C. Tanner, county clerk of McLean county.

WHEREAS, Alf. C. Tanner, clerk of the county court of McLean county, Kentucky, has received from September 26, 1854, to September 10, 1860, inclusive, the sum of one

1861. hundred and forty dollars and sixty cents, for tax on marriage licenses, and has paid the same into the treasury of Kentucky, the said tax being fees belonging to him as clerk; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor be instructed and empowered to draw his warrant upon the Treasurer of Kentucky, in favor of said Alf. C. Tanner, for the sum of \$140 60.

Approved April 4, 1861.

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## CHAPTER 420.

AN ACT for the benefit of Henry Lucas.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury in favor of Henry Lucas, for the sum of seventy-one dollars.

§ 2. This act to take effect from its passage.

Approved April 4, 1861.

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## CHAPTER 421.

AN ACT to incorporate Louisville Lodge No. 88, of Ancient German Order of Harugari.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That J. Sensbach, B. Rosenberg, and F. Spriestersbach, and their associates, be, and are hereby, created a body corporate, by the name and style of Louisville Lodge, No. 88, A. D. O. H.; and they and their associates and successors to continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, use, and have a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value; and from time to time, if deemed expedient, sell or convey

the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

1861.

Approved April 4, 1861.

## CHAPTER 422.

AN ACT for the benefit of school district No. 59, in Logan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasury for the sum of forty-nine dollars and twenty cents, in favor of the common school trustees of district No. 59, in Logan county, the amount due said district for the year 1860, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved April 4, 1861.

## CHAPTER 423.

AN ACT to amend the charter of the town of Cadiz.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the citizens of the town of Cadiz, in Trigg county, shall, and they are hereby, authorized to elect a police judge in said town, on the 1st Monday in June, 1861, and on the 1st Monday in June every second year thereafter, all the qualified voters of said town being entitled to vote at said election; said election to be held by the clerk of the board of trustees of said town; which judge, before he enters upon the duties of his office, shall take an oath before a justice of the peace to discharge the duties of said office faithfully and impartially to the best of his ability, and such oaths as public officers are usually required to take.

§ 2. Said judge shall have jurisdiction of all misdemeanors, and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction within the county of Trigg; and in criminal or penal cases, he shall have the jurisdiction conferred by law upon two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such cases; he shall have full authority to require bail, and receive acknowledgment and execution of recognizances of bail;

1861.

all cases originating before him in which bail is, or may by law, be hereafter required, and such recognizances shall be taken in such form, and be returned in such manner, as is, or may be hereafter, prescribed by the several laws requiring or authorizing bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, and unlawful assemblies, all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; of all cases of drunkenness, profane swearing, running horses, firing guns, pistols, making reports by burning powder or crackers, blowing horns, ringing bells, crying aloud by day or by night, and all other riotous, illegal, and improper conduct whatever, committed within the bounds of said county, all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the powers granted to them by law; he shall have power to order the marshal to summon a jury in any case cognizable before him, where a jury shall be required before the circuit court or a justice of the peace; and in all cases where the amount is over \$16, and is not fixed by law, the sum shall be ascertained by the verdict of a jury; he shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power, without the intervention of a jury, to fine or imprison for contempts: *Provided*, The fine does not exceed five dollars, nor the imprisonment twelve hours; he shall have full power to grant injunctions, restraining orders, and writs of *habeas corpus*, and to administer oaths in all cases wherein justices of the peace are authorized by law so to do; he shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice, and have the same force and effect as records of a justice of the peace; he shall, in all other matters not herein mentioned, have concurrent jurisdiction with justices of the peace, and be governed by the same laws and regulations. All trials before said police judge shall be had and held in the town of Cadiz.

§ 3. The police judge shall issue process in the name of the trustees of the town of Cadiz for all offenses committed within the corporate limits thereof, and embraced in this act, and make them returnable before him as police judge of Cadiz. The same shall be directed to the marshal, sheriff, or any constable of Trigg county, and shall be executed and returned by the officer in whose hands it is placed, under the same penalties as other process from justices of the peace. And when prosecutions are issued in

1861.

the name of the trustees aforesaid, they shall be entitled to the fine or penalty recovered; and, in case the defendant is acquitted, said trustees shall be liable for all costs. The police judge shall be entitled to a fee of one dollar for a peace warrant or a warrant for a riot, rout, breach of the peace, unlawful assemblies, affrays, or misdemeanor, or any breach of the laws in relation to the town of Cadiz; or any by-laws or ordinances of the trustees; he shall be allowed fifty cents for all injunctions, restraining orders against absent defendants, and writs of habeas corpus, respectively; he shall be entitled to a fee of twenty-five cents for all orders of sale, and in all other cases his fees shall be the same as those of justices of the peace. In the absence of the police judge any justice of the peace in the town of Cadiz may perform all the duties of said office, and shall be entitled while so acting to the same fees as the police judge of said town.

§ 4. There shall be a marshal elected by the qualified voters of said town, at the same time and place the police judge is elected, under the same rules and regulations, and shall hold his office two years; he shall take an oath faithfully and impartially to discharge the duties of his office, and shall give bond with good security, in a sum not exceeding two thousand dollars, conditioned faithfully to discharge the duties of his office; and may contain any condition that the board of trustees may think proper to require; he shall have full power within the county of Trigg to serve all process and precepts directed to him by the police judge, or any other officer of the Commonwealth, and make due return thereof; he shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties and forfeitures as sheriffs and constables in like cases; he shall be entitled to a fee of one dollar for serving a peace warrant, or a warrant for riot, rout affray, or breach of the peace, and for all warrants when fines are to be assessed by a jury before the police judge, and one dollar and fifty cents for summoning a jury which shall be impaneled before the police judge, and to a fee of twenty-five cents for penalties, forfeitures, and debts tried before the police judge without a jury; to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the treasury and county levy; for serving warrants for felonies, and warrants against slaves for misdemeanors, as constables and sheriffs are entitled for like services. He shall collect all executions and final process placed in his hands for collection, in the same manner as constables are required by law to do; he shall be subject to the same proceedings and liable to the same

1861. penalties that sheriffs and constables are in like cases for the non-performance of any duty imposed by this act.

§ 5. This act shall take effect from its passage.

Approved April 4, 1861.

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CHAPTER 424.

AN ACT to incorporate the German Oak Lodge of Ancient German Order of Harugari, No. 107.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That David Zuefle, Carl Fisler, and P. Nutlo, and their associates, be, and are hereby, created a body corporate, by the name and style of German Oak Lodge No. 107, A. D. O. H., and they and their associates and successors to continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, use, and have a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter, when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 2. The right to alter, amend, or repeal this act, is hereby reserved to the General Assembly.

Approved April 4, 1861.

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CHAPTER 425.

AN ACT to amend an act, entitled "An act authorizing the county courts of Meade and Breckinridge counties to change a State road."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act authorizing the county courts of Meade and Breckinridge [counties] to change the State road leading from Brandenburg to Hudsonville," approved February 11, 1858, be so amended that Isaac Bennett, B. G. Turpin, R. J. Stith, S. M. Wrather, and

Thomas J. Jolly, be, and they are hereby, appointed viewers to carry out the provisions of said act, in lieu of those therein appointed.

1861.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 426.

AN ACT authorizing trustees of common school districts in Whitley county to levy and collect a tax for building and repairing school-houses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the several school districts in the county of Whitley be, and they are hereby, authorized to levy and cause to be collected a tax, not exceeding ten cents on each one hundred dollars' worth of taxable property subject to taxation for revenue purposes within the respective districts, to be applied to the erection of school-houses, and repairing and enlarging school-houses, when, in the judgment of the trustees of any school district, or a majority of such trustees, the same is required.

§ 2. When the trustees of any school district shall levy a tax as herein provided, they shall appoint some discreet person assessor, who shall, within such time as the trustees may prescribe, take a list of the taxable property within such district; said assessor shall, in taking the lists and making valuation of property, be governed by the laws now in force regulating the duties of assessors; and shall, before he enters upon the discharge of the duties of his office, take an oath before some officer authorized by law to administer oaths, faithfully and impartially to discharge the duties of his office; and a certificate of such oath shall be filed with the trustees; he shall return to the trustees a complete list and valuation, in a book to be provided for that purpose, which shall be preserved by the trustees, and open to the inspection of any tax-payer in the district.

§ 3. Any person aggrieved by the valuation made by the assessor, may have the same corrected by the trustees of such district, they being satisfied by proof or otherwise that injustice has been done.

§ 4. The trustees may select an agent to collect the taxes, requiring him to give bond with good security, payable to themselves, conditioned for the faithful performance of his duties and the payment of the moneys by him collected; or they may place the tax list in the hands of any constable of the county for collection, who shall have [like] power to collect, by distress or otherwise, that sheriffs now have in the collection of the State revenue; and such officer, and his sureties, shall be liable, on his official bond, for a

1861. failure to collect or pay over the tax collected; and the treasurer appointed by the trustees shall and may prosecute an action in his own name, for the use of said district, against such officer, or agent, for a failure to discharge his duties under this act.

§ 5. The trustees shall appoint a treasurer, who may be one of their number, or any other person they may select, who shall, before entering upon the duties of his office, execute bond with good security, to be approved by the trustees, conditioned for the keeping and faithful disbursement of the money by him received. It shall be the duty of the treasurer to keep a just and true account of all moneys by him received and paid out, and render an account thereof when required; he shall pay out the money upon the order of the trustees. The trustees shall have power to remove the treasurer at pleasure and appoint another. Upon the treasurer going out of office, he shall deliver to his successor, or such person as the trustees may direct, a complete statement of his accounts, and all moneys in his hands belonging to the district. The bond herein required of the treasurer shall be payable to the trustees; and they may maintain an action thereon in their own name for a violation of the conditions of the bond.

§ 6. The trustees shall make the assessor of tax and treasurer a reasonable compensation for their services, to be paid out of the moneys collected.

§ 7. Any powers conferred by this act upon the trustees of the several districts, may be exercised by a majority of them, in any district, or their successors in office, or a majority of them.

§ 8. The powers herein conferred to levy and collect a tax shall not extend beyond three years.

§ 9. That before any tax shall be imposed, the trustees of the district in which the tax is proposed, shall post up notices in at least three of the most public places in the district, for at least fifteen days previous, notifying the legal voters of the district of the time of holding an election at the school-house in such district; and after the election shall be held in such manner as now provided by law for the election of trustees of school districts, and it shall appear that a majority of the legally qualified voters of such district have voted in favor of the tax, then such tax shall be levied and collected, otherwise no such tax shall be imposed nor collected.

§ 10. This act shall be in force from its passage.

Approved April 4, 1861.



CHAPTER 427.

1861!

AN ACT to authorize the jailers of Hardin, Rockcastle, Webster, Carter, and Boone counties to appoint deputies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the jailer of Hardin county be authorized to appoint a deputy, to be approved of and sworn by the Hardin county court, and for whose acts the jailer and his securities shall be responsible.

§ 2. The provisions of this act shall apply to the counties of Rockcastle, Webster, Carter, and Boone.

Approved April 4, 1861.

CHAPTER 428.

AN ACT declaring Salt Lick creek, in Lewis county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Salt Lick creek, in Lewis county, Kentucky, from its main forks, near Adam Bertram's, to the mouth of said creek, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1861.

CHAPTER 429.

AN ACT for the benefit of Chas. J. Clark, late clerk of the Louisville chancery court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of three years, from and after the passage of this act, be allowed said Clark to collect and enforce payment of his uncollected fee bills as though they were [due] and issued now, any law of limitation to the contrary notwithstanding: *Provided, however,* That before the said Charles J. Clark shall have the benefit of this bill, he shall, before the clerk of the Jefferson county court, or circuit court, enter bond with approved security, conditioned to pay any fine or refund any money collected under this act, or an illegal fee bill, as provided in the general laws concerning the collection on fee bills containing illegal charges.

Approved April 4, 1861.

1861.

## CHAPTER 430.

AN ACT to amend the charter of the North Middletown and Levy turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the act to incorporate the North Middletown and Levy turnpike company be so amended as to exempt one hand, for every share of stock held by the members of said company, from working on any other road.

Approved April 4, 1861.

## CHAPTER 431.

AN ACT to amend the charter of the Elizaville and Pleasant Valley turnpike road company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it may be lawful, and the president and directors of said company are hereby authorized, to erect a gate, or gates, on such parts of said road as may have been finished; and when any three connected miles are finished, collect tolls for travel thereon in the same proportion which they are authorized to charge in the original act to which this is an amendment.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

## CHAPTER 432.

AN ACT concerning the counties of Carter, Lawrence, Boyd, Greenup, and Ohio.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the laws authorizing and requiring the holding of circuit, quarterly, and magistrates' courts, except for the trial of criminal and penal cases, in the counties of Greenup, Carter, Lawrence, and Boyd, in the spring and summer of 1861, be, and the same are hereby, repealed. This act is limited to the spring and summer terms of said courts; and after the 1st day of September, 1861, all the laws now in force regarding said courts shall be in as full force as though this act had not been passed.

§ 2. That nothing herein contained shall be so construed as to prohibit or prevent any needful and interlocutory orders being made for the further preparation of civil suits, in ordinary or equity, in said courts.

§ 3. That all laws authorizing the holding of the quar-

terly, police, and justices' courts in Ohio county before the 1st day of December, 1861, be repealed: *Provided*, That said courts may still be held for the trial of criminal and penal cases, so far as any of said courts have jurisdiction in such cases: *And provided further*, That said courts shall be permitted to hold their regular terms, as now fixed by law, after the expiration of the period above mentioned, in the same manner they would have a right to do if this act had not passed.

1861.

§ 4. This act to take effect from its passage.

Approved April 4, 1861.

### CHAPTER 433.

AN ACT for the benefit of the mechanics of Daviess county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That carpenters, joiners, brick and stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labor or furnishing material for the construction or repair of any building within the county of Daviess, shall and may have a joint lien upon the buildings they may be employed to construct or repair, or for which they may furnish materials, to the extent of the labor done and materials furnished by them respectively: *Provided*, That no lien shall attach for any sum not amounting to twenty dollars.

§ 2. That any person or persons, having a lien under this act, may enforce the same by filing a petition in the Daviess circuit court, at any time within one year from the completion of the work or furnishing the material. All persons having a lien may join in the petition against the employer; or one or more of them may file a petition against the employer and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury shall try the same as in other cases at law; and when the claim of each shall be ascertained, the court shall decree the amount against the owner of the building, and direct the house and the interest of the employer in the lot, or so much thereof as may be necessary, to be sold on a credit of six, twelve, and eighteen months, and shall cause the sale money to be collected and distributed in payment of the amount decreed to the claimants. The amount due claimants shall bear legal interest from the time the same shall have become due by the contract of the parties, and the purchaser of

1861. the property shall pay interest from the time of the sale. The court, after the claimants have all been paid; shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion.

§ 3. That any journeyman who may be employed in the construction or repair of any building within the county of Daviess shall, to the extent of his wages for labor done on such building, have a lien on the same: *Provided*, That such journeyman shall give to the owner of the property written notice, before payment is made to the undertaker or building mechanic, that he looks to the property for payment of what may be due to him for labor done on the building; he may file his petition to enforce the lien; he may be, and shall have a right to be, made a defendant to any petition brought to enforce any lien given by this act; he shall have a right to a decree for the wages due to him, and the same shall be paid out of what is due to the undertaker or building mechanic, if so much be due to him. And if there be more than one journeyman entitled to a lien under this act, and the amount due to the undertaker shall not be sufficient to pay them all, they shall be paid in proportion.

§ 4. That none of the persons named in the first section of this act, shall have a lien when he has taken security; nor shall any journeyman have a lien when his principal has none.

§ 5. That the complainant, or complainants, in any suit instituted under the provisions of this act, may proceed to the proof of their respective claims, immediately on the service of process; and any defendant, or defendants, claiming a lien, may proceed to the proof of their respective claims, immediately on the filing of their respective answers, asserting and specifying their claims. It shall not be necessary for a defendant, or defendants, claiming a lien or relief against any complainant, or co-defendant, to make their answers, or answer, a cross-petition against the complainant or any of the co-defendants; but the assertion of their respective claims and liens in their answers with a prayer for the appropriate or general relief shall be sufficient to authorize the court to enter the proper decree for relief against any of the complainants or defendants.

§ 6. That immediately on the service of process, in any suit under the provisions of this act, any defendant or defendants shall have a right to file with the clerk of the Daviess circuit court his or their answer, under oath; and the clerk shall indorse thereon the true time of filing the same; and twenty days shall be allowed to a defendant or

defendants to file their answers after the service of process. The cause shall stand for trial at the first term after the service of process, if the same shall have been served twenty days before the commencement of the court, and either at a common law or chancery term; and may be taken up for trial on ten days' notice in writing, on any day of any such term. The court, for good cause, may continue the action, and permit a defendant or defendants to file his or their answers, at any time before the trial of the cause, on such terms as the court may deem equitable.

1861.

§ 7. This act shall take effect from and after its passage.

Approved April 4, 1861.

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#### CHAPTER 434.

AN ACT correcting courses of patent issued to Frederick M. Mauk, of Carter county, for 50 acres of land.

WHEREAS, It appears by the certificate of the surveyor of Carter county, that there is a mistake in the calls of a patent, issued 1st September, 1851, to Frederick M. Mauk, for fifty acres of land, situate in Carter county; now, for the purpose of correcting the calls of said patent,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the calls of a patent issued to Frederick M. Mauk, September 1st, 1851, for fifty acres of land in Carter county, be corrected as follows, viz: the call in said patent "S. 80 deg., W. 215 poles," be, and the same is, fixed "N. 80 deg., W. 215 poles;" and the call "S. 28 deg., E. 37 poles," fixed and changed to "S. 2 deg., E. 28 poles."

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

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#### CHAPTER 435.

AN ACT for the benefit of proprietors and lessees of Mammoth Cave.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The judge of the Edmonson county court shall, each year, upon motion in his court, by the proprietors of the said establishment, appoint two persons, who shall reside for the time being at said establishment, and who shall be invested with like powers, as conservators of the peace, and with like authority for making arrests under the criminal and penal laws of this Commonwealth, as constables are now invested with by law; but the powers

1861. conferred upon said persons by this act shall not be exercised except within a mile of the entrance of said cave.

§ 2. This act shall take effect from and after its passage, and the Legislature reserves the right to amend, alter, or repeal the same at any time.

Approved April 4, 1861.

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#### CHAPTER 436.

AN ACT for the benefit of Stephen J. England, late sheriff of Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Stephen J. England, late sheriff of Carter county, be, and he is hereby, allowed to list with any constable of Carter county the unpaid taxes and fee bills due him from the citizens of Carter county. Such officer or officers are hereby allowed to distrain therefor in the same manner and under like responsibilities as prescribed by law regulating the collection of taxes by sheriffs.

§ 2. This act shall take effect from its passage.

Approved April 4, 1861.

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#### CHAPTER 437.

AN ACT for the benefit of the school commissioner of the county of Daviess.

WHEREAS, It appears to the General Assembly that the school commissioner of the county of Daviess made a report to the Superintendent of Public Instruction, under an act of the Legislature of Kentucky approved February 22, 1860, allowing further time, until the first day of October, 1860, for the trustees of common school districts, wherein schools were taught according to the provisions of the common school law for the years ending 1854, 1855, 1856, 1857, 1858, and 1859; and that it further appears that the report of said commissioner has been lost, or not received by the Superintendent within the time prescribed by law; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the commissioner as aforesaid be allowed to make a duplicate report; and that the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum found to be due the respective districts, in favor of the school commissioner of Daviess county, to be paid out of any money in the treasury not otherwise appropriated; and that said commis-

sioner shall pay over said money to the trustees of the respective districts.

1861.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1861.

# CHAPTER 438.

AN ACT to create an additional justices' district and election precinct in Breckinridge county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional justices' district and election precinct be, and is hereby, established in Breckinridge county, to include all persons residing in the following boundary, viz: Beginning at the mouth of Rock Lick creek, and running up Rough creek to the North Fork of Rough creek; thence up the North Fork to Jewel's creek; thence up said creek to Williamson's old mill; thence a straight line to Lanson Moorman's, to include him; thence a straight line to John Webb's old farm; thence down said Webb's spring branch to Rock Lick, and down the same, with the meanders thereof, to the beginning; the place of voting in said district to be at Planters' Hall.

§ 2. That general and special elections shall be held, district officers elected, and vacancies filled in said district, as now provided by the general laws of the Commonwealth.

§ 3. The county judge shall have power to change or alter the boundary of said district as now provided by law; and on the application of a majority of the voters of said district, by petition or otherwise, change the place of voting or abolish the district.

§ 4. This act to take effect from its passage.

Approved April 4, 1861.





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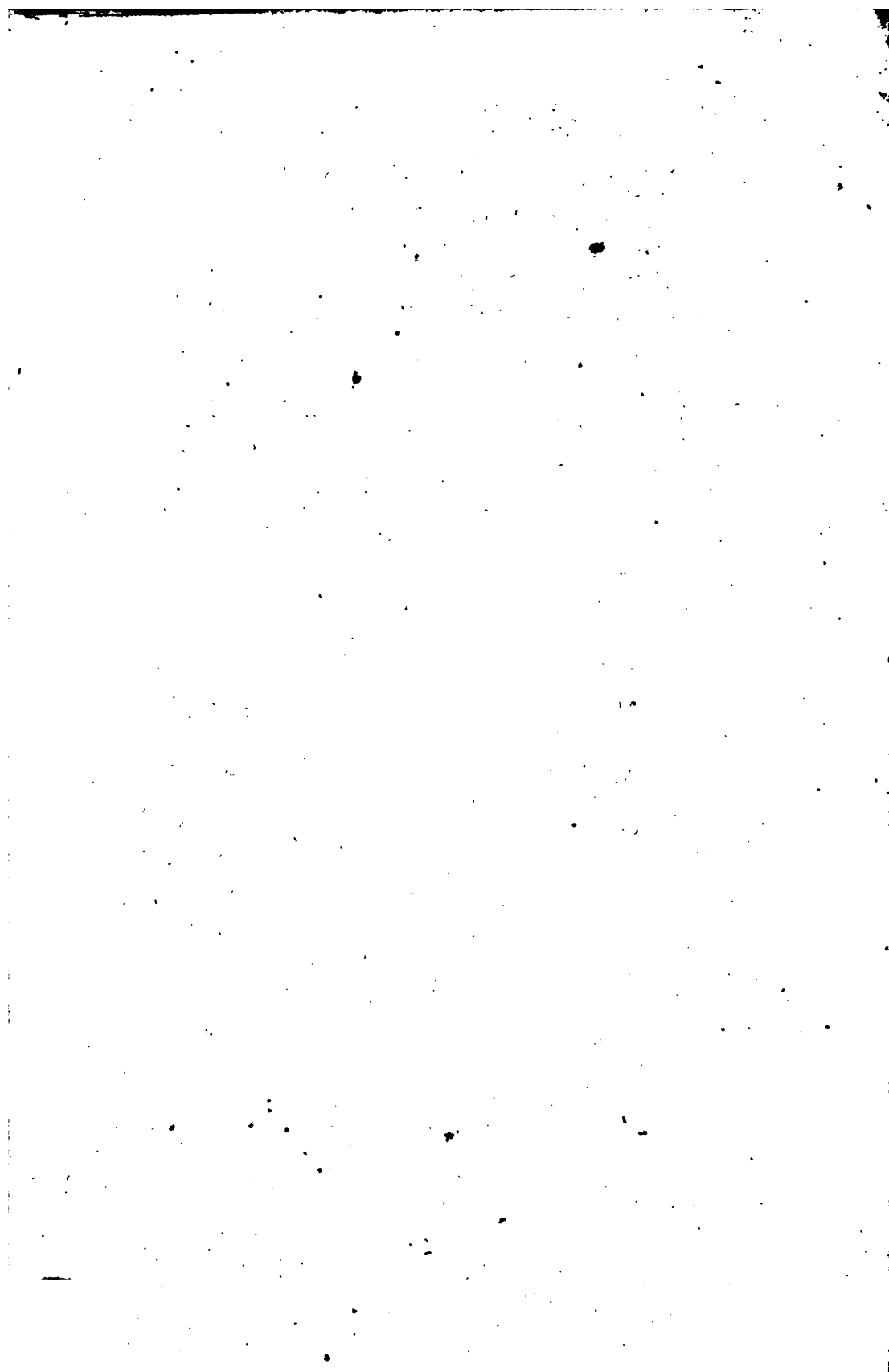
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